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# ***Illinois Register***

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## **Rules of Governmental Agencies**

Volume 23, Issue 16 — April 16, 1999

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

\* Monday following a state holiday.

\*\* Tuesday following a state holiday.

\*\*\* Since the state holiday is a Monday, the deadline is Noon on Tuesday.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Placement and Visitation Services

- 2) Code of Citation: 89 Ill. Adm. Code 301

- 3) Section Numbers:

301.20	Amendment
301.30	Amendment
301.40	Amendment
301.60	Amendment
301.80	Amendment

- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505].

- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 301 as follows:

The definition of "biological father" has been replaced by a definition of "father" and is consistent with the definition proposed in 89 Ill. Adm. Code 315, Permanency Planning, which was published as proposed rulemaking in 22 Ill. Reg 7770, May 8, 1998.

The definition of "permanency goal" is also being revised to agree with the definition found in the same proposed rulemaking.

In order to comply with the Federal Multi-ethnic Placement Act and Inter-ethnic Adoption Provisions of the Small Business Job Protection Act of 1996, the placement selection criteria described in Section 301.60 is being revised to include a statement that placement in a foster or adoptive home shall not be denied or delayed on the basis of the race, color, or national origin of the child or of the foster or adoptive home members.

In addition, this rulemaking amends Section 301.80, Relative Home Placement, by adding to the agreement signed by the relative a provision that the relative may not use corporal punishment on the child whom the Department is placing in the relative's home. The relative also agrees that all ammunition, weapons, and registered firearms be locked up at all times and kept in places inaccessible to children, and no unregistered firearm will be present in the relative's home at any time.

Finally, the rule was amended to include that as a precondition to placing the child with a relative, the case worker is to verify that the relative is able to communicate with the child in the parent's or child's preferred language.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Mr. Jerry B. Crabtree  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62701-1498  
Telephone: (217) 524-1983  
TDD: (217) 524-3715  
E-Mail: ORPINFO@pop.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1998 (except Section 301.80, Relative Home Placement, which was not anticipated).

The full text of the Proposed Amendment begins on the next page:







## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"Department" as used in this Part, means the Department of Children and Family Services.

"Diligent search", as used in this Part, means the efforts used by the Department to find a joint placement for siblings who must be placed apart from their families. Diligent search is further defined in Section 301.70(c) of this Part.

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

"Father" means a man presumed to be the natural father of a child if:

- he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;
- after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate pursuant to Section 12 of the Vital Records Act;
- he and the natural mother have signed an acknowledgment of paternity in accordance with rules adopted by the Illinois Department of Public Aid under Section 10-17.7 of the Illinois Public Aid Code.
- he and the child's mother have signed a petition to establish the parent and child relationship by consent of the parties in accordance with Section 6 of this Act.

A man can rebut a presumption of paternity before a court of jurisdiction [750 ILCS 45/5]. Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which federal matching grants are received.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Joint placement", in the context of sibling placement, means the siblings are placed in the same substitute care setting.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"LEADS" means Law Enforcement Agency Data System.

"Parents" means the child's legal parents whose parental rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal. ~~the continuous-living arrangement--which the Department deems desirable for and available to the child--A permanent legal status is usually a component of the permanency goal--The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.~~

"Permanent family placement" means placement in a foster family home or a relative home which is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child or the foster parent or relative may assume guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Region" means Cook County or any of the downstate Department of Children and Family Services regions.

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]



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"Residential facility", for the purposes of the Aristotle P. Consent Decree, means all non-foster care or relative home care placements.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children required by 42 USC 854c-Section 675(5), and 325 ILCS 5/8.2, and 89 Ill. Adm. Code 315 (Permanency Planning) 305-Client-Service-Planning.

"Short-term diagnostic placement" means a placement limited to 30 days after the time period deemed clinically necessary to complete the appropriate diagnostic evaluation or treatment, and in no event shall last more than 90 days.

"Siblings" mean children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

"Visitation", as used in this Subpart, means face-to-face contact between parents and their children who are in substitute care or among siblings who are placed apart from one another.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 301.30 Introduction

Placement or substitute care services means the care of children for whom the Department is legally responsible who require a living arrangement away from their families due to abuse, neglect, dependency, voluntary surrender of parental rights, or voluntary placement agreement and for whom the Department has determined that family preservation services are not appropriate because such services are not in the child's best interest or would not protect the child from imminent risk of harm. Placement services include foster family or relative home care, care provided in a group home or child care institution or other institution. Placement is intended to be a temporary situation for the children during the time that the parents' ability to care for the child is being evaluated or the parents are receiving services to alleviate the problems

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

in the home so the family can be reunited. However, there may be times when it is in the best interests of the child to seek a permanent placement away from the child's family. In these instances a permanency goal other than family reunification is sought. The complete range of permanency goals is described in 89 Ill. Adm. Code 315 (Permanency Planning) 305-Client-Service-Planning.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 301.40 Legal Authority to Place

The Department shall not place children until it has the appropriate legal authority to do so. Such legal authority includes:

- temporary protective custody in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5];
- adoptive surrender or consent to adoption by a specified person in accordance with the Adoption Act [750 ILCS 50];
- custody or guardianship in accordance with the Juvenile Court Act of 1987 [705 ILCS 405]; or
- temporary custody with written consent of the parent(s) or, if the child is not in the custody of either parent, written consent of the guardian or custodian of the child, in accordance with the Children and Family Services Act [20 ILCS 505]. A written consent from a parent, guardian or legal custodian requesting temporary placement services for their children ~~child(ren)~~ is known as a voluntary placement agreement. A voluntary placement agreement may be entered into for a maximum of 60 days when it is in the best interests of the children. A voluntary placement agreement requires prior written approval of the administrator in charge of the Department region or designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior non-delegable written approval of the administrator in charge of the Department region.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 301.60 Placement Selection Criteria

- All placement decisions will be made consistent with the safety, best interests and special needs of the child. When a child is removed from the care of a custodial parent, the placing worker shall explore whether the racial ethnic parent would be a suitable caregiver for the child. If placement with the non-custodial ~~raciat-ethnic~~ parent is not consistent with the best interests and special needs of the child or if the racial ethnic parent is not a suitable caregiver for the child, placement in substitute care shall be considered.
- Substitute care placement decisions consistent with the best interests and special needs of the child shall be made in consideration of the



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

following:

- 1) the least restrictive setting appropriate for the child which most closely approximates a family;
- 2) placement within reasonable proximity to the child's home when the permanency goal is return home, and within the child's school district, whenever possible, taking into account any special needs of the child and family, the importance of maintaining continuity of the children's educational and social relationships, and the availability of the service resources needed for the child and family;
- 3) ~~the--child's--culture;--ethnic--and--racial--background--and the~~ ability of prospective foster or adoptive parents to meet the needs of a child ~~with this background~~. Placement in a foster or adoptive family home shall not be denied or delayed on the basis of the race, color, or national origin of the child, or the foster or adoptive family home members, nor shall placement for adoption of a child be denied or delayed if an approved family is available either outside of the Department's region handling the case or outside of the State of Illinois; and
- 4) placement, if the child is of American Indian heritage, according to criteria described in 89 Ill. Adm. Code 307.7 (Indian Child Welfare Services).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 301.80 Relative Home Placement

- a) A child for whom the Department is legally responsible may be placed in the home of a relative when the Department has reason to believe that the relative can safely and adequately care for the child in the absence of formal licensing, including training. In determining whether relative home placement is in the best interests of the child, the placing worker shall consider the child's prior relationship with the relative, the comfort level of the child with the relative, and the extent to which the relative complies with the placement selection criteria of Section 301.60(b).
- b) No child under age 18 for whom the Department is legally responsible shall be placed with a relative unless the conditions for placement specified in this Section have been met prior to placement of the child with the relative. Staff of the placing agency shall meet with the relative and ascertain that the relative meets the following conditions for placement and signs an agreement to that effect. The relative:
  - 1) will care for no more than the number of children consistent with the number and ages of children permitted in a licensed foster family home (89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes);

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 2) is willing and capable of protecting the children ~~child(ren)~~ from harm by the parents ~~parent(s)~~ or any other person whose actions or inactions allegedly threatened the children's ~~child(ren)s~~ safety or well-being as determined by a child abuse or neglect investigation pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5];
  - 3) agrees not to transfer physical custody of the children ~~child(ren)~~ to anyone, including parents ~~parent(s)~~ or other relatives ~~relative(s)~~, unless previously authorized in writing by the Department;
  - 4) agrees not to allow the indicated or alleged perpetrators of abuse or neglect to reside in the relative's home unless previously authorized in writing by the Department;
  - 5) agrees to notify the Department of any changes in the household composition;
  - 6) agrees to notify the Department of any change of address prior to moving;
  - 7) agrees to seek the prior written consent of the Department for non-emergency medical, psychological, or psychiatric testing or treatment;
  - 8) agrees to take the children ~~child(ren)~~ out of state only if previously authorized in writing by the Department;
  - 9) agrees to abide by any conditions or limitations on the parent-child visitation plan ~~which have been imposed by the court or are contained in the client service plan~~;
  - 10) is willing to cooperate with the agency, the children's ~~child(ren)s~~ parents ~~parent(s)~~ and other resource persons to help develop and achieve the permanency goal recorded in the children's ~~child(ren)s~~ service plan; and
  - 11) agrees to adequately supervise the children so they are not left in situations or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate;
  - 12) agrees not to subject the child to corporal punishment, verbal abuse, threats, or derogatory remarks about the child or the child's family; and
  - 13) agrees that any and all weapons and registered firearms and ammunition will be locked up at all times and kept in places inaccessible to children. In addition, the relative agrees that no unregistered guns or unregistered firearms will be present in the home at any time.
- c) Prior to placement with a relative, staff of the placing agency shall visit the home of the proposed caregiver and shall determine whether the following conditions for placement are met:
- 1) background checks of the Child Abuse Neglect Tracking System (CANTS) as required by 89 Ill. Adm. Code 385 (Background Checks) and a check of the Statewide Child Sex Offender Registry have



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

been completed on all adult members of the household and children age 13 and over, communicated to the supervising agency prior to placement, and appropriate decisions made. If a report of abuse or neglect exists, staff of the placing agency have made appropriate decisions whether the child should be placed with the relative based on the following considerations:

- A) the type of indicated abuse and neglect;
- B) the age of the individual at the time of the report;
- C) the length of time that has elapsed since the most recent indicated report;
- D) the relationship of the report to the ability to care for the related children; and
- E) the evidence of successful parenting;

2) a check of the Law Enforcement Agency Data System (LEADS) on all adult members of the household is completed prior to placement of the related children ~~child(ren)~~. If the results of the LEADS check identify prior criminal convictions listed in Appendix A of

89 Ill. Adm. Code 301, Placement and Visitation Services, for any adult member of the household, children ~~child(ren)~~ shall not be placed in the relative's home unless a waiver has been granted in accordance with the requirements of Appendix A of this Part;

3) the home is free from observable hazards;

4) prescription and non-prescription drugs, dangerous household supplies, and dangerous tools, weapons, guns, and ammunition are stored in places inaccessible to children;

5) any and all registered weapons and registered firearms and ammunition are locked up at all times and kept in places inaccessible to children;

6) basic utilities -- (water, heat, electricity) -- are in operation;

7) sleeping arrangements are suitable to the age and sex of the children ~~child(ren)~~;

8) meals can be provided daily to the related children ~~child(ren)~~ in sufficient quantities to meet the children's ~~child(ren)~~'s nutritional needs;

9) supervision of the related children ~~child(ren)~~ can be assured at all times including times when the relative is employed or otherwise engaged in activity outside of the home;

10) the relative can provide basic necessities for themselves and their own children ~~child(ren)~~;

11) the relative can access health care and provide necessary in-home support for any health care needs of the related children ~~child(ren)~~;

12) no member of the household appears to have a communicable disease which could pose a threat to the health of the related children ~~child(ren)~~ or an emotional or physical impairment which could affect the ability of the caregiver to provide routine daily care to the related children ~~child(ren)~~ or to evacuate them

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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safely in an emergency;

13) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statements provided by the relative;

14) the relative has the ability to contact the agency, if necessary, and the ability to be contacted;

15) the relative has immediate access to a telephone when the related child has medical or other special needs;

16) the relative shall cooperate with the supervising agency's educational and service plan for the child;

17) the relative is able to communicate with the child in the parent's or child's preferred language.

d) Prior to or concurrent with placement in a relative's home, staff of the placing agency shall document, on the form prescribed by the Department, that the conditions for placement prescribed by this Section have been met.

e) The supervising agency shall reassess the appropriateness of the relative home placement on an on-going basis and at least prior to each administrative case review or at any point the supervising agency has reason to believe the relative caregiver can no longer safely or adequately care for the children ~~child(ren)~~. Appropriateness is determined by the extent to which the home is in compliance with the conditions described in subsections (b) and (c) above and by an evaluation of the continued safety of the children, including an evaluation of any pending criminal charges against any adult members of the household.

f) The Department may, after providing notice as required by 89 Ill. Adm. Code 337 (Service Appeal Process), move the child to another placement if the Department determines, based on the consideration and assessment of the continuing safety and well-being of the child, the child's permanency goal, and the best interests or special needs of the child, that an alternative placement is necessary.

g) Only placements in licensed foster family homes receive the foster care payment rate. Relatives who care for children for whom the Department is legally responsible may, but need not, apply for licensure as a foster family home in accordance with the requirements of 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes). When a relative is licensed under Part 402, the relative will receive the established foster care payment rate appropriate for the number and ages of foster children placed in care. Relatives who are unlicensed receive the child only standard of need.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Correctional Industries
- 2) Code Citation: 20 Ill. Adm. Code 117
- 3) Section Numbers:
- |        |                         |
|--------|-------------------------|
| 117.05 | <u>Proposed Action:</u> |
| 117.10 | New Section             |
| 117.15 | New Section             |
| 117.20 | New Section             |
| 117.30 | New Section             |
| 117.40 | New Section             |
| 117.50 | New Section             |
| 117.60 | New Section             |
| 117.70 | New Section             |

- 4) Statutory Authority: Implementing Sections 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14 and authorized by Sections 3-2-2, 3-12-2, 3-12-4, 3-12-5, 3-12-9, and 3-12-14 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14]

- 5) A Complete Description of the Subjects and Issues Involved: This rule informs the public, including committed persons, of the Correctional Industries Program operated within the Illinois Department of Corrections. The rule includes the types of industry operations; committed person's eligibility for and assignment to the program; hours and conditions of labor; and information regarding goods and services available, including recycling programs.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State Mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Patricia Lubben, Rules Coordinator

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED RULE

Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
Phone: (217) 522-2666, extension 6512

All written comments received after 45 days from the date of this publication will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The rulemaking was not anticipated.

The full text of the Proposed Rule begins on the next page:



## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED RULE

**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT**  
**CHAPTER I: DEPARTMENT OF CORRECTIONS**  
**SUBCHAPTER a: ADMINISTRATION AND RULES**

## PART 117

## CORRECTIONAL INDUSTRIES

## Section

117.05 Applicability

117.10 Definitions

117.15 Responsibilities

117.20 Correctional Industries Program

117.30 Assignment to Correctional Industries

117.40 Hours and Conditions of Labor

117.50 Purchase of Industry Goods or Services

117.60 Food Production and Processing

117.70 Recycling and Refuse Program

**AUTHORITY:** Implementing Sections 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14 and authorized by Sections 3-2-2, 3-12-2, 3-12-4, 3-12-5, 3-12-9, and 3-12-14 of the Unified Code of Corrections (730 ILCS 5/3-2-2, 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14)

**SOURCE:** Adopted at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 117.05 Applicability

This Part applies to the Correctional Industries Program and to facilities in which industry programs are housed.

## Section 117.10 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Chief Executive Officer" means the highest ranking official of the Correctional Industries Program.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

## Section 117.15 Responsibilities

- a) Unless otherwise specified, the Director, Chief Administrative Officer, or Chief Executive Officer may delegate responsibilities

## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED RULE

stated in this Part to another person or persons or designate another person or persons to perform the duties specified.

- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director, Chief Administrative Officer, or Chief Executive Officer shall personally perform the duties. However, the Director, Chief Administrative Officer, or Chief Executive Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

## Section 117.20 Correctional Industries Program

- a) The Correctional Industries Program operates in correctional facilities and promotes marketable skills and work habits for committed persons.

- b) The Correctional Industries Program offers services and products in areas including, but not limited to: production, repair, and restoration of furniture; cleaning supplies and equipment; food production and processing; clothing; eye glasses; asbestos abatement; and recycling.

- c) Industry programs, both new and expanded, are recommended by the Chief Executive Officer of Correctional Industries and approved by the Director.

## Section 117.30 Assignment to Correctional Industries

- a) The Chief Executive Officer of Correctional Industries shall ensure position descriptions, including level of skill and education required, physical abilities required, and specific job requirements, are developed for each assignment.

- b) Committed persons who are physically capable and who are not assigned full-time to other facility programming may be assigned through the Correctional Industries Program.

- c) Committed persons may be referred for positions in correctional industry programs at the discretion of the Chief Administrative Officer of the facility based on, but not limited to, factors such as:
- 1) The committed person's security level, grade classification, and institutional adjustment; and
  - 2) The skills required for the program.

- d) The Superintendent of the industry at the facility shall have the authority to assign or reassign any committed person referred by the facility to ensure the safety, security, and efficient operation of industry programs.

- e) Prior to placement in the Correctional Industries Program, committed persons shall be required to pass a physical examination to ensure they are physically able to perform the duties of the assignment.

- f) Committed persons who participate in this program are required to contribute a portion of their earnings to offset their cost of



## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED RULE

incarceration.

**Section 117.40 Hours and Conditions of Labor**

- a) Due to the variety of programs and services, the hours of operation at each Correctional Industries Program may vary. The hours of operation for each facility shall be established as determined by the Chief Executive Officer of Correctional Industries with the concurrence of the Chief Administrative Officer of the facility in which the industry is located.
- b) Committed persons shall not be subjected to unsafe workplace conditions.
- c) Committed persons shall be subject to security screening and supervision.
- d) Committed persons shall be compensated for the duties performed in accordance with the pay plan established for the program. Pay plans shall be determined at each facility based on such factors as the effort, skill, and economic value of the work performed. The local pay plan shall be approved by the Chief Executive Officer of Correctional Industries and shall be posted in the local industry office.
- e) Committed persons shall be trained in the use of equipment, materials, and safety precautions appropriate to their assignments. Committed persons shall sign an acknowledgment that the training has been received prior to the use of any such equipment or materials.

**Section 117.50 Purchase of Industry Goods or Services**

- a) A list of goods or services available through Correctional Industries and the cost for such goods or services shall be maintained. To obtain a listing or to make purchases, interested persons may contact the Correctional Industries Program at:

Illinois Department of Corrections  
Correctional Industries Program  
1301 Concordia Court  
Box 19722  
Springfield IL 62794-9277  
217/522-2666  
<http://www.idoc.state.il.us/industries/>

- b) In accordance with Section 3-12-7 of the Unified Code of Corrections, the State, its political units, its agencies and public institutions are required to purchase needed articles, materials, industry related services, food stuffs, and supplies that are supplied or manufactured by the Correctional Industries Program unless the Department certifies that the items requested are not readily available.
- c) Goods or services shall be allocated in the following order:
  - 1) Department.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED RULE

- 2) State agencies and public institutions.
- 3) Political subdivisions of the State and its agencies in which the producing facility is located.
- 4) Political subdivisions of the State and their agencies or public institutions.
- 5) Open market.
- 6) Not-for-profit organizations in Illinois.
- 7) Government in other states.
- 8) Units of the Federal Government.
- 9) Not-for-profit organizations in other states.
- d) Monies generated by the Correctional Industries Program shall be deposited in the Working Capital Revolving Fund of the Correctional Industries Program.

**Section 117.60 Food Production and Processing**

Food products are produced and processed in accordance with State and federal guidelines. (See 730 ILCS 5/3-12-11a and 3-12-12.)

**Section 117.70 Recycling and Refuse Program**

- a) The Correctional Industries Program recycles such items as the following material to convert waste products to recyclable forms:
  - 1) Tires, rubber tire scraps, and related materials.
  - 2) White goods that are common household appliances such as stoves and refrigerators.
  - 3) Refuse such as paper and plastic.
  - 4) Such other items as it is determined can be appropriately recycled.
- b) Tires, rubber, and related materials are used in areas such as alternative fuel options, playground materials, and recapped tires.
  - 1) Playground material is shredded tire rubber with all metals removed for use as ground cover around playground equipment.
  - 2) Tire-derived fuel (TDF) is tire rubber shredded into approximately 2" size pieces that is mixed with coal for use in commercial or industrial power plants.
- c) White goods are dismantled to their constituent parts such as metals, plastics, rubbers, and hazardous gases such as freon. The hazardous material is disposed of in accordance with the Illinois Environmental Protection Agency guidelines. All other parts shall be sold or disposed of properly.
- d) Interested parties may contact the Correctional Industries Program in accordance with Section 117.50 to request information regarding recycling, including purchase or collection of such materials.
- e) Correctional Industries may sign contracts or enter into agreements with agencies identified by the Department as potential sources.



## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Farm Development Authority
- 2) Code Citation: 8 Ill. Adm. Code 1400
- 3) Section Numbers: Proposed Action:  
1400.145 New
- 4) Statutory Authority: 20 ILCS 3605/7
- 5) A Complete Description of the Subjects and Issues Involved: The Authority is implementing a new Interest Buy Down Program to provide assistance to hog operators who are in financial need due to low hog prices.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All interested persons are invited to submit their written comments on the proposed action at any time during the first notice period to:

Laura A. Lanterman, CFO  
Illinois Farm Development Authority  
427 East Monroe Street, Suite 201  
Springfield, Illinois 62701  
217/782-5792

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: Hog farms.
- B) Reporting, bookkeeping or other procedures required for compliance:  
No new measures required.
- C) Types of professional skills necessary for compliance: No new skills required.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

Authority did not anticipate the need for this rulemaking.

The text of the Proposed Amendments is identical to the Emergency Amendments as published in this issue of the Register on page .



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED RULE

1) Heading of the Part: Administrative Hearings2) Code Citation: 89 Ill. Adm. Code 5083) Section Numbers: Proposed Action:

508.10	New
508.20	New
508.30	New
508.40	New
508.50	New
508.60	New
508.70	New
508.80	New
508.90	New
508.100	New
508.110	New
508.120	New
508.130	New
508.140	New
508.150	New
508.160	New
508.170	New

4) Statutory Authority: Implementing and authorized by Section 5-10(a)(1) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(1)], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].

5) A Complete Description of the Subjects and Issues involved: This rulemaking consolidates all Department of Human Services hearings authorized by the Illinois Administrative Procedure Act. Therefore many DHS rules are being amended to reference this rule and to repeal hearing rules replaced by this rule. This rulemaking details the entire process to be followed from the appellant's request for a hearing through the "Final Orders" of the hearing.

6) Will this proposed rule replace an emergency rule currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED RULE

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Not-for-profit facilities licensed by DHS to provide specified services to DHS clients.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Ability to follow these rules.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999  
The full text of the Proposed Rule is identical to the text of the Emergency Rule published on page \_\_\_\_\_.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Administrative Law Judges

2) Code Citation: 2 Ill. Adm. Code 1027

3) Section Numbers: 1027.10  
Proposed Action: Amendment

4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104], Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 10-20 of the Illinois Administrative Procedure Act [20 ILCS 1705/10-20].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is part of the Department of Human Services effort to consolidate all hearings covered by the Illinois Administrative Procedure Act. This rule covers the Office of Mental Health "Administrative Law Judges". The new Administrative Hearings rule 89 Ill. Adm. Code 508 now covers the hearings that result from appeals of agencies and persons impacted by this rule. This rulemaking amends Section 1027.10 to eliminate a reference within the current rule to Sections now covered by Part 508. Section 1027.10 will still apply to hearings held within the Office of Mental Health and the Office of Developmental Disabilities.

6) Will this proposed rule replace an emergency rule currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: none

B) Reporting, bookkeeping or other procedures required for compliance: none

C) Types of professional skills necessary form compliance: none

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The text of the Proposed Amendment is identical to the text of the Emergency Amendment published on page \_\_\_\_\_.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Alcoholism and Substance Abuse Treatment and Intervention Licenses

2) Code Citation: 77 Ill. Adm. Code 2060

3) Section Numbers: Proposed Action:  
2060.341 Amended

4) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

5) A Complete Description of the Subjects and Issues involved: This rulemaking is part of the Department's effort to consolidate all hearings covered by the Illinois Administrative Procedure Act. This rulemaking is being partially replaced by 89 Ill. Adm. Code 508 "Administrative Hearings." Some requirements specific to this program are being maintained. These are detailed in this amendment.

6) Will this proposed rule replace an emergency rule currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation  
2060.217 Amendment 1/29/99 - 23 Ill. Reg. 1206

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
217/785-9772

If because of physical disability you are unable to put comments into

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999  
The full text of the Proposed Amendments is identical to the text of the Emergency Amendments published on page \_\_\_\_\_.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Medicaid Community Mental Health Services Program

2) Code Citation: 59 Ill. Adm. Code 132

3) Section Numbers: Proposed Action:  
132.70 Amended  
132.91 Amended

4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking requires community service providers to check the Department of Public Health's Nurse Aide Registry for substantiated findings of abuse or neglect before hiring staff. It also prohibits the agencies from hiring an individual with such substantial findings.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or arguments regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Building  
Springfield IL 62762  
Telephone (217) 785-9772  
Fax (217) 557-1547

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: Private agencies that provide

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Medicaid community mental health services programs

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment published on page \_\_\_\_\_.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Minimum Standards for Certification of Developmental Training Programs

2) Code Citation: 59 Ill. Adm. Code 119

3) Section Numbers: Proposed Action:

119.260 Amendment

119.270 Amendment

119.330 Amendment

4) Statutory Authority: Implementing Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.2] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act.

5) A Complete Description of the Subjects and Issues involved: Sections 119.260 & 119.270 require community service providers to check the Department of Public Health's Nurse Aide Registry for substantiated findings of abuse or neglect before hiring staff. They also prohibit the agencies from hiring an individual with such substantiated findings. Section 119.330 is being amended as part of the Department of Human Services rulemakings that will create a DHS rule for administrative hearings covered by the Illinois Administrative Procedure Act. This specific amendment amends Section 119.330 "Hearings" to change the reference from 59 Ill. Adm. Code 101.70, which is being repealed as part of this consolidation, to 89 Ill. Adm. Code 508.

6) Will this proposed rule replace an emergency rule currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The text of this Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the Illinois Register on page

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Office of Inspector General Investigations of Alleged Abuse or Neglect and Deaths in State-Operated and Community Agency Facilities

- 2) Code Citation: 59 Ill. Adm. Code 50

- 3) Section Numbers:
- |       |                  |
|-------|------------------|
| 50.10 | Proposed Action: |
| 50.20 | Amended          |
| 50.30 | Amended          |
| 50.30 | Amended          |
| 50.50 | Amended          |
| 50.70 | Amended          |
| 50.80 | Amended          |
| 50.90 | New Section      |

- 4) Statutory Authority: Implementing and authorized by Section 6.2 of the Abused and Neglected Long Term Care Facilities Reporting Act [210 ILCS 30/6.2].

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking requires community service providers to check the Department of Public Health's Nurse Aide Registry for substantiated findings of abuse or neglect before hiring staff. It also prohibits the agencies from hiring an individual with such substantiated findings.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? Yes

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
3rd Floor Harris Bldg.  
100 South Grand Avenue East

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62762  
Telephone: 217/785-9772  
FAX: 217/557-1547

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect State-funded community providers of mental health and developmental disabilities services.
- B) Reporting, bookkeeping or other procedures required for compliance: Community agencies are required to check the Department of Public Health's Nurse Aide Registry for substantiated findings of abuse or neglect.
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: this rulemaking was not anticipated.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment published on page \_\_\_\_\_.



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Recovery of Misspent Funds
- 2) Code Citation: 89 Ill. Adm. Code 527
- 3) Section Numbers: Proposed Action:  
527.10 Amendment  
527.100 Amendment
- 4) Statutory Authority: Implementing the Illinois Grant Funds Recovery Act [30 ILCS 705] and authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is part of the Department of Human Services effort to consolidate all hearings covered by the Illinois Administrative Procedure Act. The rule covers the Office of Rehabilitation Services "Recovery of Misspent Funds". The new Administrative Hearing rule 89 Ill. Adm. Code 508 now covers the hearings that result from appeals of agencies and persons impacted by this rule. This rulemaking amends and repeals Sections of Part 527 to make this rulemaking consistent with the new Administrative Hearings rule (Part 508).
- 6) Will this proposed rule replace an emergency rule currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: (217) 785-9772

- If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.
- 12) Initial Regulatory Flexibility Analysis:  
A) Types of small businesses, small municipalities and not for profit corporations affected: Persons and agencies serving ORS customers will have to follow new appeal procedures.
- B) Reporting, bookkeeping or other procedures required for compliance:  
none
- C) Types of professional skills necessary for compliance: Some understanding of hearings process.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999
- The full text of the Proposed Amendments is identical to the text of the Emergency Amendments published on page \_\_\_\_\_.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Rules of Practice and Procedure in Administrative Hearings

- 2) Code Citation: 77 Ill. Adm. Code 2000

- 3) Section Numbers: Proposed Action:

2000.10	Repealed
2000.20	Repealed
2000.30	Repealed
2000.40	Repealed
2000.50	Repealed
2000.60	Repealed
2000.70	Repealed
2000.80	Repealed
2000.90	Repealed
2000.100	Repealed
2000.110	Repealed
2000.120	Repealed
2000.130	Repealed
2000.140	Repealed
2000.150	Repealed
2000.160	Repealed
2000.170	Repealed
2000.180	Repealed
2000.190	Repealed
2000.200	Repealed
2000.210	Repealed

- 4) Statutory Authority: Implementing and authorized by the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is part of the Department's effort to consolidate all hearings covered by the Illinois Administrative Procedure Act. This rulemaking is being repealed and replaced by 89 Ill. Adm. Code 508 "Administrative Hearings."

- 6) Will this proposed rule replace an emergency rule currently in effect?  
Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed repealer contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED REPEALER

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Repealer is identical to the text of the Emergency published on page \_\_\_\_\_.



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers
- 2) Code Citation: 59 Ill. Adm. Code 258
- 3) Section Numbers:  
258.260  
258.270  
Proposed Action:  
Amendment  
Repealed
- 4) Statutory Authority: Implementing Sections 3-207, 3-208, 3-300, 3-400, 3-405, 3-502, 3-504, 3-601, 3-601.1, 3-603, 3-606, 3-607, 3-702, 3-704, 3-706, 3-810, 3-811, 3-902 and 3-909 [405 ILCS 5/3-207, 3-208, 3-300, 3-400, 3-405, 3-502, 3-504, 3-601, 3-601.1, 3-603, 3-606, 3-607, 3-702, 3-704, 3-706, 3-810, 3-811, 3-902 and 3-909] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

5) A Complete Description of the Subjects and Issues involved: This rulemaking is part of the Department's effort to consolidate all hearings covered by the Illinois Administrative Procedure Act. Section 258.270 is being repealed and replaced with the new DHS rulemaking on "Administrative Hearings" 89 Ill. Adm. Code 508. The specific requirement regarding actions to be taken by the Department if the affected agency does not request a hearing, or after the hearing if it is determined the agreement should be denied, is being amended into Section 258.260. This Section is also amended to refer appellants to the new rule.

6) Will this proposed rule replace an emergency rule currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: none

B) Reporting, bookkeeping or other procedures required for compliance: none

C) Types of professional skills necessary form compliance: none

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The text of this Proposed Amendment is identical to the text of the Emergency Amendment published on page \_\_\_\_\_.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: WIC Vendor Management Code
- 2) Code Citation: 77 Ill. Adm. Code 672
- 3) Section Numbers: Proposed Action:  
672.600 Amended
- 4) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].

5) A Complete Description of the Subjects and Issues Involved: The amendment to this Section 672.600 amends the Section to add references to 89 Ill. Adm. Code 508 and to remove duplicative and sometimes conflicting rules. These hearings will now be covered by the DHS Administrative Hearings Rule (Part 508).

- 6) Will this proposed rule replace an emergency rule currently in effect?  
Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance:  
None

- C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The Text of this Proposed Amendment is identical to the text of the Emergency Amendment published on page \_\_\_\_\_.



## OFFICE OF THE GOVERNOR

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Office of the Governor Procurement Rules

2) Code Citation: 44 Ill Adm. Code 1500

3) Section Number: Proposed Action:  
1500.2020 Amend

4) Statutory Authority: 30 ILCS 500

5) A Complete Description of the Subjects and Issues Involved: Raises the small purchase threshold from \$10,000 to \$25,000.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Mark A. Novak  
2 1/2 State House  
Springfield IL 62706  
(217) 782-6144

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses and not-for-profit corporations are affected in circumstances where the State would purchase from them.

B) Reporting, bookkeeping or other procedures required for compliance:  
None.

C) Types of professional skills necessary for compliance: None. Small businesses and not-for-profit entities are encouraged to comment.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for

## OFFICE OF THE GOVERNOR

## NOTICE OF PROPOSED AMENDMENTS

the rulemaking did not come to the Office of the Governor's attention until after the timeframe in which a regulatory agenda was to be filed.

The full text of the Proposed Amendments begins on the next page.

## OFFICE OF THE GOVERNOR

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

## SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

## CHAPTER XXII: OFFICE OF THE GOVERNOR

## PART 1500

## OFFICE OF THE GOVERNOR PROCUREMENT RULES

## SUBPART A: GENERAL

## Section

1500.01 Title  
1500.05 Policy  
1500.10 Application  
1500.15 Definition of Terms Used in This Part  
1500.25 Property Rights

## SUBPART B: PROCUREMENT RULES

## Section

1500.525 Rules

## SUBPART C: PROCUREMENT AUTHORITY

## Section

1500.1005 Exercise of Procurement Authority

## SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

## Section

1500.1510 Illinois Procurement Bulletin  
1500.1570 Error in Notice  
1500.1580 Direct Solicitation

## SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

## Section

1500.2005 General Provisions  
1500.2010 Competitive Sealed Bidding  
1500.2012 Multi-Step Sealed Bidding  
1500.2015 Competitive Sealed Proposals  
1500.2020 Small Purchases  
1500.2025 Sole Economically Feasible Source Procurement  
1500.2030 Emergency Procurements  
1500.2035 Competitive Selection Procedures for Professional and Artistic Services  
1500.2036 Other Methods of Source Selection  
1500.2037 Tie Bids and Proposals

## OFFICE OF THE GOVERNOR

## NOTICE OF PROPOSED AMENDMENTS

1500.2038 Mistakes  
1500.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

## SUBPART F: SUPPLIERS AND RESPONSIBILITY

## Section

1500.2043 Suppliers  
1500.2045 Responsibility

## SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

## Section

1500.2047 Security Requirements

## SUBPART H: SPECIFICATIONS

## Section

1500.2050 Specifications

## SUBPART I: CONTRACT TYPE

## Section

1500.2055 Types of Contracts

## SUBPART J: DURATION OF CONTRACTS

## Section

1500.2060 Duration of Contracts - General

## SUBPART K: CONTRACT MATTERS

## Section

1500.2560 Prevailing Wage  
1500.2570 Equal Employment Opportunity; Affirmative Action

## SUBPART L: CONTRACT PRICING

## Section

1500.2800 All Costs Included

## SUBPART M: PREFERENCES

## Section

1500.4505 Procurement Preferences  
1500.4510 Resident Bidder Preference  
1500.4530 Correctional Industries  
1500.4535 Sheltered Workshops for the Disabled  
1500.4540 Small Business



OFFICE OF THE GOVERNOR

NOTICE OF PROPOSED AMENDMENTS

1500.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART N: ETHICS

Section  
1500.5013 Conflicts of Interest  
1500.5015 Negotiations for Future Employment  
1500.5020 Exemptions  
1500.5030 Revolving Door  
1500.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART O: COMPLAINTS, PROTESTS AND REMEDIES

Section  
1500.5510 Complaints Against Vendors  
1500.5520 Suspension  
1500.5530 Resolution of Contract Controversies  
1500.5540 Violation of Statute or Rule  
1500.5550 Protests

SUBPART P: GOVERNMENTAL JOINT PURCHASING

Section  
1500.6500 General  
1500.6510 No Agency Relationship  
1500.6520 Obligations of Participating Governmental Units

SUBPART Q: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section  
1500.7000 Severability  
1500.7010 Government Furnished Property  
1500.7015 Inspections  
1500.7020 Records and Audits  
1500.7025 Written Determinations  
1500.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12823, effective July 1, 1998, for a maximum 150 days; adopted at 22 Ill. Reg. 21352, effective November 25, 1998; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

OFFICE OF THE GOVERNOR

NOTICE OF PROPOSED AMENDMENTS

Section 1500.2020 Small Purchases

a) Application

- 1) Procurements of \$25,000 \$10,000 or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- 3) Any change identified by the United States Department of Labor in the Consumer Price Index, as certified by CMS, for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter shall be used to adjust the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.
- b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) above).
- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## OFFICE OF THE LIEUTENANT GOVERNOR

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Office of the Lieutenant Governor Procurement Rules

2) Code Citation: 44 Ill. Adm. Code 1600

3) Section Number: Proposed Action:  
1600.2020 Amend

4) Statutory Authority: 30 ILCS 500

5) A Complete Description of the Subjects and Issues Involved: Raises the small purchase threshold from \$10,000 to \$25,000.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Mark A. Novak  
2 1/2 State House  
Springfield IL 62706  
(217) 782-6144

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses and not-for-profit corporations are affected in circumstances where the State would purchase from them.

B) Reporting, bookkeeping or other procedures required for compliance:  
None.

C) Types of professional skills necessary for compliance: None. Small businesses and not-for-profit entities are encouraged to comment.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for

## OFFICE OF THE LIEUTENANT GOVERNOR

## NOTICE OF PROPOSED AMENDMENTS

the rulemaking did not come to the Office of the Lt. Governor's attention until after the timeframe in which a regulatory agenda was to be filed.

The full text of the Proposed Amendments begins on the next page.



## OFFICE OF THE LIEUTENANT GOVERNOR

## NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES  
CHAPTER XXXIII: OFFICE OF THE LT. GOVERNOR

## PART 1600

## OFFICE OF THE LT. GOVERNOR'S PROCUREMENT RULES

## SUBPART A: GENERAL

Section  
1600.01  
1600.05  
1600.10  
1600.15  
1600.25

Title  
Policy  
Application  
Definition of Terms Used in This Part  
Property Rights

## SUBPART B: PROCUREMENT RULES

Section  
1600.525

Rules

## SUBPART C: PROCUREMENT AUTHORITY

Section  
1600.1005

Exercise of Procurement Authority

## SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section  
1600.1510  
1600.1570  
1600.1580

Illinois Procurement Bulletin  
Error in Notice  
Direct Solicitation

## SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section  
1600.2005  
1600.2010  
1600.2012  
1600.2015  
1600.2020  
1600.2025  
1600.2030  
1600.2035

General Provisions  
Competitive Sealed Bidding  
Multi-Step Sealed Bidding  
Competitive Sealed Proposals  
Small Purchases  
Sole Economically Feasible Source Procurement  
Emergency Procurements  
Competitive Selection Procedures for Professional and Artistic Services

1600.2036  
1600.2037

Other Methods of Source Selection  
Tie Bids and Proposals

## OFFICE OF THE LIEUTENANT GOVERNOR

## NOTICE OF PROPOSED AMENDMENTS

1600.2038 Mistakes  
1600.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

## SUBPART F: SUPPLIERS AND RESPONSIBILITY

Section  
1600.2043  
1600.2045

Suppliers  
Responsibility

## SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section  
1600.2047

Security Requirements

## SUBPART H: SPECIFICATIONS

Section  
1600.2050

Specifications

## SUBPART I: CONTRACT TYPE

Section  
1600.2055

Types of Contracts

## SUBPART J: DURATION OF CONTRACTS

Section  
1600.2060

Duration of Contracts - General

## SUBPART K: CONTRACT MATTERS

Section  
1600.2560  
1600.2570

Prevailing Wage  
Equal Employment Opportunity; Affirmative Action

## SUBPART L: CONTRACT PRICING

Section  
1600.2800

All Costs Included

## SUBPART M: PREFERENCES

Section  
1600.4505  
1600.4510  
1600.4530  
1600.4535  
1600.4540

Procurement Preferences  
Resident Bidder Preference  
Correctional Industries  
Sheltered Workshops for the Disabled  
Small Business

## OFFICE OF THE LIEUTENANT GOVERNOR

## NOTICE OF PROPOSED AMENDMENTS

1600.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

## SUBPART N: ETHICS

## Section

1600.5013 Conflicts of Interest  
 1600.5015 Negotiations for Future Employment  
 1600.5020 Exemptions  
 1600.5030 Revolving Door  
 1600.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

## SUBPART O: COMPLAINTS, PROTESTS AND REMEDIES

## Section

1600.5510 Complaints Against Vendors  
 1600.5520 Suspension  
 1600.5530 Resolution of Contract Controversies  
 1600.5540 Violation of Statute or Rule  
 1600.5550 Protests

## SUBPART P: GOVERNMENTAL JOINT PURCHASING

## Section

1600.6500 General  
 1600.6510 No Agency Relationship  
 1600.6520 Obligations of Participating Governmental Units

## SUBPART Q: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

## Section

1600.7000 Severability  
 1600.7010 Government Furnished Property  
 1600.7015 Inspections  
 1600.7020 Records and Audits  
 1600.7025 Written Determinations  
 1600.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12893, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21422, effective November 25, 1998; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

## OFFICE OF THE LIEUTENANT GOVERNOR

## NOTICE OF PROPOSED AMENDMENTS

## Section 1600.2020 Small Purchases

## a) Application

- 1) Procurements of \$25,000 \$10,000 or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- 3) Any change identified by the United States Department of Labor in the Consumer Price Index, as certified by CMS, for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter shall be used to adjust the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.
- b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) above).
- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Podiatric Medical Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1360

3) Section Numbers: Proposed Action:

1360.30	Amendment
1360.45	Amendment
1360.50	Amendment
1360.55	Amendment
1360.60	Amendment
1360.65	Amendment
1360.70	Amendment
1360.75	Amendment
1360.90	Amendment
1360.95	New Section

4) Statutory Authority: Podiatric Medical Practice Act of 1987 [225 ILCS 100]

5) A Complete Description of the Subjects and Issues Involved: Public Act 90-76 reauthorized the Podiatric Medical Practice Act of 1987. This proposed rulemaking updates various provisions to conform with the Act. Section 1360.95 adds Professional Conduct Standards; the rest of the changes are technical or clean-up.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield IL 62786  
217/785-0813; Fax: 217/782-7645

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing podiatric medical services and those seeking licensure.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: Podiatric medical skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1360

## PODIATRIC MEDICAL PRACTICE ACT OF 1987

Section  
1360.10 Statutory Authority (Repealed)  
1360.20 Approved Colleges of Podiatry  
1360.30 Application for Examination  
1360.40 Examination  
1360.45 Application for Licensure on the Basis of Examination  
1360.50 Endorsement  
1360.55 Renewals  
1360.60 Restoration  
1360.65 Temporary Licenses  
1360.70 Continuing Education  
1360.75 Visiting Professor Permits  
1360.80 Definition of "Human Foot" (Repealed)  
1360.85 Advertising  
1360.86 Mandatory Reporting of Impaired Podiatric Physicians by Health Care Institutions

1360.90 Granting Variances

1360.95 Professional Conduct Standards

APPENDIX A Curriculum Requirements (Repealed)

APPENDIX B Clinical Training Requirements (Repealed)

AUTHORITY: Implementing the Podiatric Medical Practice Act of 1987 [225 ILCS 100] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 50, p. 58, effective December 3, 1980; codified at 5 Ill. Reg. 11053; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 915, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8402, effective July 2, 1982; amended at 7 Ill. Reg. 7668, effective June 15, 1983; amended at 9 Ill. Reg. 5377, effective April 4, 1985; transferred from Chapter I, 68 Ill. Adm. Code 360 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1360 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2962; amended at 13 Ill. Reg. 4234, effective March 21, 1989; amended at 14 Ill. Reg. 701, effective December 28, 1989; amended at 16 Ill. Reg. 13281, effective August 18, 1992; amended at 18 Ill. Reg. 16433, effective October 21, 1994; amended at 20 Ill. Reg. 10692, effective July 26, 1995; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## Section 1360.30 Application for Examination

An applicant for the National Board of Podiatric Medical Examiners (NBPME) PM Lexis examination for licensure as a podiatric physician shall file an application with the Department or its designated testing service, on forms supplied by the Department, at least 60 days prior to an examination date. The application shall include:

- a) A complete work history indicating all employment since graduation from an approved podiatric medical program which meets the requirements set forth in Section 1360.20;
- b) Certification of graduation from an approved podiatric medical program;
- c) Proof of passage of Part I and Part II of the examination given by the National Board of Podiatric Medical Examiners (NBPME) by NBPME standards. The applicant shall have the scores submitted to the Department or its designated testing service directly from NBPME; and
- d) Certification, on forms provided by the Department, from the jurisdiction of the United States in which the applicant was originally licensed and is currently licensed, if applicable, stating:
  - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license; and
  - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

e) 4) The required fee as provided for in Section 18(a)(4)(2) of the Act.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1360.45 Application for Licensure on the Basis of Examination

- a) Each applicant for licensure as a podiatric physician in the State of Illinois, pursuant to the Podiatric Medical Practice Act of 1987 [225 ILCS 100] (the Act), shall file an application with the Department which includes:

- 1) A complete work history indicating all employment since graduation from an approved podiatric medical program that meets the requirements set forth in Section 1360.20;
- 2) Certification of graduation from an approved podiatric medical program;
- 3) Proof of passage of Part I and Part II of the examination given by the NBPME by NBPME standards. The applicant shall have the scores submitted to the Department directly from NBPME;
- 4) Proof of successful completion of the PM Lexis examination in accordance with Section 1360.40 of this Part;
- 5) Proof of successful completion of one year of postgraduate training approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association (APMA) which



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includes residency and preceptorship programs; and  
 6) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable, stating:

- A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license; and
  - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
- 7) The required fee set forth in Section 18(a)(1) of the Act.
- b) An applicant who has successfully completed in another jurisdiction a written clinical competency examination recognized by the Department pursuant to Section 1360.40 shall have the examination scores submitted directly to the Department by the reporting entity.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1360.50 Endorsement

- a) An applicant for licensure as a podiatric physician who is licensed under the laws of another jurisdiction shall file an application with the Department which shall include:

- 1) A certification from the jurisdiction of original licensure and current licensure, stating:
    - A) The time during which the applicant was licensed in that jurisdiction; and
    - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
  - 2) A complete work history indicating all employment since graduation from a program which meets the requirements set forth in Section 1360.20;
  - 3) Certification of successful completion of Parts I and II of the examination given by the NPME or any other examination which was a requirement of original licensure;
  - 4) Verification of successful completion of one year of post-graduate training which is approved by the Council on Podiatric Medical Education of the APMA and includes a residency or preceptorship for individuals who were licensed after January 1, 1992;
  - 5) A copy of the Act and/or rules which were in effect in the jurisdiction of original licensure;
  - 6) Passage of the written clinical competency examination set forth in Section 1360.40; and
  - 7) The required fee set forth in Section 18(a)(1) of the Act; and
- 7) The Department may, in individual cases, upon recommendation of the Director, waive the written clinical competency examination

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set forth in Section 1360.40 for an applicant by endorsement after full consideration of his/her podiatric education, training and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has participated in writing textbooks relating to podiatric medicine, and any other attribute that the Director accepts as evidence that such applicant has outstanding and proven ability in podiatry.

- b) The Department shall examine each endorsement application to determine whether the requirements in such jurisdiction at the date of licensing were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act. A copy of the Act and/or rules that were in effect in the jurisdiction of original licensure may be requested to determine equivalency. The Department shall within a reasonable time either issue a certificate of registration by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1360.55 Renewals

- a) Every license issued under the Act shall expire on January 31 of each odd numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee and meeting the continuing education requirements set forth in Section 1360.70.
- b) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 110 of the Act.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1360.60 Restoration

- a) A person seeking restoration of a license that has expired for less than 5 years or less shall have the license restored upon payment of \$100 plus all lapsed renewal fees required by Section 18(a)(4) of the Act and proof of 50 hours of continuing education, as defined in Section 1360.70 of this Part, earned within the 2 years preceding restoration of the license.
- b) A person seeking restoration of a license that has been placed on

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inactive status for less than 5 years or less shall have the license restored upon payment of the current renewal fee and proof of 50 hours of continuing education, as defined in Section 1360.70 of this Part, earned within 2 years preceding the restoration of the license.

c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee required by Section 18(a)(4) of the Act and be scheduled for an interview before the Board. The person shall also submit either:

1) Certification of active practice in another jurisdiction and proof of 50 hours continuing education as defined in Section 1360.70 of this Part during the 2 years prior to restoration. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the applicant was authorized to practice during the term of active practice;

2) An affidavit attesting to military service as provided in Section 15 of the Act; or

3) Proof of successful completion of the PM Lexis examination in accordance with Section 1360.40 within one year before applying for restoration.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of a license shall be requested to:

1) Provide such information as may be necessary; and/or  
2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Department, an applicant's license shall be restored.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective/\_\_\_\_\_,)

## Section 1360.65 Temporary Licenses

a) An applicant for a temporary license to pursue postgraduate training shall file an application with the Department, on forms provided by the Department, which includes the following:

1) A complete work history indicating all employment since graduation from an approved podiatric medical program that meets the requirements set forth in Section 1360.20.7

2) Either:

A) Certification of graduation from an approved podiatric medical program; or

B) Certification that the applicant will graduate from an

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approved podiatric medical program before entering into the postgraduate training. This certification shall be signed by the director or registrar of the applicant's podiatric medical program.

3) Proof of passage of Part I and Part II of the examination given by the NBPME by NBPME standards. The applicant shall have his scores submitted to the Department or its designated testing service, directly from NBPME.

1) Proof that the applicant has been accepted or appointed to a position in a postgraduate program approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association which includes residencies and preceptorships.

5) Certification, on forms provided by the Department, from the jurisdictions in which the applicant was originally licensed and is currently licensed, if applicable, stating:

A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license; and

B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

6) The required fee set forth in Section 18(a)(1) of the Act.

b) A temporary license shall be valid for one year.

c) Temporary licenses may be renewed one time in the following situations:

1) Serving full-time in the Armed Forces;  
2) An incapacitating illness documented by a currently licensed physician; or

3) Proof of continuance of a postgraduate training program.

d) A licensee applying for renewal of a temporary certificate shall pay to the Department the fee set forth in Section 18(a)(3) of the Act.

e) If a temporary license holder terminates or is discharged from a residency or preceptorship program, the temporary license shall be null and void. If the licensee changes his/her preceptorship or residency program, he/she shall reapply for a new temporary license.

f) If the licensee applies for a permanent podiatric physician license while holding a temporary license, no permanent license shall be issued until the temporary license is returned to the Department.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective/\_\_\_\_\_,)

## Section 1360.70 Continuing Education

a) Continuing Education Hour Requirements

1) Every renewal applicant who applies for renewal of a license as a podiatric physician must complete 50 hours of continuing education (CE) relevant to the practice of podiatric medicine.

2) A prerenewal period is the 24 months preceding January 31 of each



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- odd-numbered year.
- 3) A renewal applicant is not required to comply with CE requirements for the first renewal.
  - 4) Podiatric physicians licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
  - b) Approved Continuing Education
    - 1) All continuing education hours must be earned by verified attendance at or participation in a program (e.g., certificate of attendance or certificate of completion) which is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3), (4), (5), and (6) below.
    - 2) A maximum of 18 hours of credit per prerenewal period may be earned through postgraduate training programs (i.e., extern, residency, or fellowship programs) approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association as provided for in Section 5(G) of the Act.
    - 3) A maximum of 18 hours per prerenewal period may be earned for verified teaching in an approved podiatric medical college which meets the standards set forth in Section 1360.20 and/or as an instructor of continuing education through an approved sponsor. One hour of credit will be granted for actual presentation, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course, and will only be allowed for additional study or research.
    - 4) Up to fifteen (15) total credit hours per prerenewal period may be claimed for papers, publications, books, presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with Podiatric Medicine which is made available to health professionals may be claimed as 5 hours of credit. A presentation or exhibit must be before a professional audience of podiatrists or other health professionals. Five credit hours may be claimed for only the first time the information is published or presented.
    - 5) Up to fifteen (15) total credit hours per prerenewal period may be earned through nonsupervised individual activities in the following areas:
      - A) Self-Instruction--Up to 3 hours of credit may be claimed for the use of audio-visual materials, programmed education materials, electronic teaching devices and the individual reading of podiatric medical literature.
      - B) Patient Care Review--Up to 3 hours may be claimed for time spent in programs concerned with the review and evaluation of patient care. This includes such activities as peer review.

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- C) Self-assessment--Up to 3 hours of credit may be claimed for time spent in self-assessment programs. These would include, for example, quizzes completed by the podiatrist after reading professional publications of a scientific or patient-care oriented nature, or completion of aptitude questionnaires provided by various organizations and societies.
- D) Specialty Board or Specialty Organization Preparation--Up to 6 hours may be claimed for nonsupervised individual activities carried out in preparation for an examination or to satisfy other requirements for membership in a specialty organization. No additional credit may be claimed for taking and/or passing an examination given by the board or organization.
- 6) Up to ten (10) hours of credit per prerenewal period may be claimed for verified formal learning experiences sponsored by hospitals, agencies, organizations or other institutions which are not approved continuing education sponsors, in subjects that facilitate the podiatrist's performance, such as courses in computerized patient-record systems, practice management, risk management or training--including advanced degree programs in education, health administration, and similar subjects.
- c) Approved CE Sponsors and Programs
  - 1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group which has been approved and authorized by the Board and validated by the Illinois Podiatric Medical Association Continuing Education Committee to coordinate and present continuing education courses or programs.
  - 2) A sponsor shall submit the fee set forth in Section 18(a)(1) of the Act, a fee of \$500 along with a sponsor application that which certifies:
    - A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section;
    - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certificate of attendance as set forth in subsection (d) below;
    - C) That upon request by the Department, the sponsor will submit such evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
  - 3) All courses and programs shall:
    - A) Contribute to the advancement, extension and enhancement of

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professional clinical skills and scientific knowledge in the practice of podiatric medicine;

- B) Provide experiences which contain scientific integrity, and subject matter and course material relevant to podiatric medicine;
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
- D) Specify the course objectives, course content and teaching methods to be used; and
- E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.

- 4) All programs given by approved sponsors shall be open to all licensed podiatric physicians and not be limited to members of a single organization or group.
- 5) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

- 6) Each sponsor shall reapply by January 31 of each year. The sponsor shall submit to the Department, along with the completed sponsor application and the fee set forth in Section 18(a)(10) of the Act, a \$500-fee a list of courses and programs offered within the last 12 months, which includes a brief description, location, date and time of the course.

- 7) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in an approved program or course with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

- A) The name and address of the sponsor;
- B) The name and address of the participant;
- C) A brief statement of the subject matter;
- D) The number of hours attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.

- 8) The sponsor shall maintain attendance records for not less than five years.

- 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

- 10) Upon the failure of any sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of such sponsor's CE activities until such time as the Department receives assurances of compliance with this Section.

- 11) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved continuing education program at any time to ensure compliance

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with the requirements of this Section.

- d) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections subsection (a) and (b) above.
- 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such additional evidence will be required in the context of the Department's random audit.
- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified in writing and may request an interview with the Board.

- e) Continuing Education Earned in Other Jurisdictions.
- 1) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(5) of this Section. Applicants may seek individual program approval prior to the participation in the course or program. All individual program approval requests shall be submitted 90 days prior to the expiration date of the license.

- 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$50 per credit hour late fee not to exceed \$300. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (b) of this Section.

- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 18(a)(3) of the Act, a statement setting forth the facts concerning such non-compliance, and request for waiver of the CE requirements on the basis of such facts. The request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient



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hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full time service in the Armed Forces ~~armed-forces~~ of the United States of America during a substantial part of such period;
  - B) An incapacitating illness documented by a statement from a currently licensed physician;
  - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
  - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of a license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final Department's decision on the application has been made.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1360.75 Visiting Professor Permits

- a) Any person not licensed in this State ~~state~~ to practice as a podiatric medical physician who has been appointed as a visiting professor at a program of podiatric medicine in this State must be the holder of a Visiting Professor Permit issued by the Department pursuant to the provisions of Section 12 of the Act.

- b) An application for a Visiting Professor Permit shall be made on forms provided by the Department. Such application shall include:

- 1) The name and location of the applicant's program of podiatric medicine, dates of attendance, and date and type of degree conferred;

- 2) Certification from the jurisdiction of original licensure and ~~current-licensure~~ indicating:

- A) The date of licensure;
- B) The method of licensure; and
- C) The current status of the license;

- 3) Certification from the Dean of the program of podiatric medicine indicating:

- A) That the person has contracted with the applicant and he has received a faculty appointment to teach in the program;
- B) The nature of the educational services to be provided by the applicant; and
- C) The term of the contract;

- 4) A copy of the applicant's current curriculum vitae; and
- 5) The fee set forth in Section 18(a)(1) of the Act ~~of-§100~~.

- c) A Visiting Professor Permit shall be valid for one ~~1~~ year and may be renewed only once for one year.

- d) Application for renewal of a Visiting Professor Permit shall be made

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on forms supplied by the Department at least ~~sixty~~ 60 days prior to expiration of the permit. Such application shall include:

- 1) Certification from the Dean of the program of podiatric medicine indicating the term of the renewal contract, not to exceed one year from the date of the original expiration date;

- 2) Certification from the jurisdiction of original licensure indicating the current status of the license; and

- 3) The fee set forth in Section 18(a)(3) of the Act ~~of-§100~~.

- e) When any person who has been issued a Visiting Professor Permit is discharged or terminates his faculty appointment, any certificate issued in the name of such person shall be null and void as of the date of such discharge or termination. Such program of podiatric medicine shall immediately deliver or mail by registered mail to the Department the Visiting Professor Permit and written notice of the reason for the return of the permit.

- f) Only one Visiting Professor Permit shall be issued to an applicant, which may be renewed once. If, at the conclusion of the term of the faculty appointment for which the permit was issued, the holder of such permit desires to remain in the State and practice or teach the his profession, he/she must apply for and receive a license to practice the that profession.

- g) Whenever a program of podiatric medicine is required to deliver or return a Visiting Professor Permit to the Department and that permit has been lost or destroyed or is for any other reason unavailable for return to the Department, the program of podiatric medicine shall immediately mail or deliver to the Department a written explanation concerning the inability to return the permit.

- h) Nothing herein shall prohibit the holder of a Visiting Professor Permit from applying for and receiving a license to practice the his profession in this State during the term of his/her faculty appointment. In the event the holder of such permit is issued a license to practice the his profession in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the Department pursuant to the provisions of subsection (e) above.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1360.90 Granting Variances

- a) The Director may grant variances from this Part ~~these--rules~~ in individual cases where he/she he finds that:

- 1) the provision from which the variance is granted is not statutorily mandated;

- 2) no party will be injured by the granting of the variance; and
- 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

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- b) The Director shall notify the Podiatric Medical Licensing Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1360.95 Professional Conduct Standards

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 24 of the Act that is interpreted to include, but is not limited to, the following acts or practices:

- a) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);
- b) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her treatments or remedies, or those of another practitioner;
- c) Impersonating another person holding a podiatric medical license or allowing another person to use his/her license;
- d) Delegating responsibility for delivery of patient care to persons who were not properly supervised or who were not competent to assume such responsibility;
- e) Breaching the podiatrist's responsibility to a patient;
- f) Submission of fraudulent claims for services to any health insurance company or health service plan or third party payor;
- g) Pursuant to Section 24(9) of the Act, the Department hereby incorporates by reference the "Code of Ethics", published in the Illinois Podiatric Medical Association Bylaws, Revised 1998, Illinois Podiatric Medical Association, 53 W. Jackson, Chicago, Illinois 60604 and the "Code of Ethics" published in the American Podiatric Medical Association Bylaws, Revised 1988, the American Podiatric Medical Association, 9312 Old Georgetown Road, Bethesda MD 20814, with no later amendments or editions.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

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- 1) Heading of the Part: Postsurgical Recovery Care Center Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 210
- 3) Section Numbers: 210.2500  
Proposed Action: Amendment
- 4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]

- 5) A Complete Description of the Subjects and Issues Involved: These rules amend the postsurgical recovery care center demonstration program under the Alternative Health Care Delivery Act. A postsurgical recovery care center model is a designated site that provides postsurgical recovery care for generally healthy patients undergoing surgical procedures that require overnight nursing care, pain control, or observation that would otherwise be provided in an inpatient setting. The rules were adopted October 15, 1994. When the rules were reviewed by the Joint Committee on Administrative Rules (JCAR) in May of 1994, JCAR objected to Section 210.1800(a)(2)(H) because the Department had excluded patients who would require the administration of blood products. The rule was modified in response to JCAR's objection. Section 210.2500(b) also prohibits administration of blood products. JCAR did not include this Section in the objection, and it was not modified prior to adoption. The Department recently became aware of this inconsistency and is modifying Section 210.2500(b) to allow the administration of blood products.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments



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concerning these rules within 45 days after this issue of the *Illinois Register* by writing to:

Ms. Gail M. DeVito  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield IL 62761  
217/782-2043  
rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: postsurgical recovery care centers

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the Department was not aware of the need for the rulemaking.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

## PART 210

## POSTSURGICAL RECOVERY CARE CENTER DEMONSTRATION PROGRAM CODE

Section	Definitions
210.1000	Referenced Materials
210.1050	Demonstration Program Elements
210.1100	Application for and Issuance of a License to Operate a Postsurgical
210.1200	Recovery Care Center Model
210.1300	Obligations and Privileges of Postsurgical Recovery Care Center Models
210.1400	Inspections and Investigations
210.1500	Notice of Violation and Plan of Correction
210.1600	Adverse Licensure Action
210.1700	Admission Practices
210.1800	Approval of Protocols for the Admission of Postsurgical Patients
210.1900	Standards of Professional Practice
210.2000	Length of Stay
210.2100	Patient's Rights
210.2200	Personnel
210.2300	Patient Care
210.2400	Infection Control
210.2500	Laboratory, Pharmacy and Radiological Services
210.2600	Records and Reports
210.2700	Transfer Agreement
210.2800	Food Service
210.2900	Physical Plant
210.3000	Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 18 Ill. Reg. 15824, effective October 15, 1994; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 210.2500 Laboratory, Pharmacy and Radiological Services

- a) Each Postsurgical Recovery Care Center Model shall meet the following:
- 1) Possess a valid Clinical Laboratory Improvement Amendments (CLIA) certificate for those tests performed by the Model; and
  - 2) Have a written agreement with a laboratory that which possesses a valid CLIA certificate to perform any required laboratory procedures that which are not performed in the center.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- b) Blood shall and blood-products may not be administered in the Model.
- c) Pharmacy services shall be provided directly by the Model or by contract with a pharmacy licensed pursuant to the Pharmacy Practice Act.
- d) Pharmacy services not provided by contract must be under the direction of a registered pharmacist employed by the Model on a full-time, part-time or consulting basis.
- e) All drugs and medicines shall be stored and dispensed in accordance with applicable State and federal laws and regulations.
- f) Radiologic services sufficient to perform and interpret the radiological examinations necessary to meet the needs of the patients must be provided.
- g) All x-rays shall be read by a member of the medical staff or a consulting radiologist approved by the consulting committee.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Client Service Planning

- 2) Code Citation: 89 Ill. Adm. Code 305

- | <u>Section Number:</u> | <u>Adopted Action:</u> |
|------------------------|------------------------|
| 305.10                 | Repealed               |
| 305.20                 | Repealed               |
| 305.30                 | Repealed               |
| 305.40                 | Repealed               |
| 305.50                 | Repealed               |
| 305.60                 | Repealed               |
| 305.70                 | Repealed               |
| 05.80                  | Repealed               |
| 305.90                 | Repealed               |
| 305.100                | Repealed               |
| 305.110                | Repealed               |
| 305.120                | Repealed               |
| 305.130                | Repealed               |
| 305.140                | Repealed               |

- 4) Statutory Authority: 20 ILCS 505.

- 5) Effective Date of Repealer: March 30, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this repealer contain incorporations by reference? No

- 8) A copy of the adopted repealer is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: May 8, 1998 at 22 Ill. Reg. 7736

- 10) Has JCAR issued a Statement of Objections to this repealer? No

- 11) Difference(s) between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary

- 13) Will this repealer replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Repealer:

89 Ill. Adm. Code 305 is being repealed and replaced by 89 Ill. Adm. Code



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED REPEALER

315, Permanency Planning, and 89 Ill. Adm. Code 316, Administrative Case Reviews and Court Hearings, which were adopted and published in the February 16, 1999 *Illinois Register*.

- 16) Information and questions regarding these adopted repealer shall be directed to:

Mr. Jerry B. Crabtree  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62703-1498  
Telephone: (217) 524-1983  
TDD: (217) 524-3715

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Access to Information

- 2) Code Citation: 2 Ill. Adm. Code 1276

- 3) Section Numbers:

1276.110	Adopted Action:
1276.120	Repealed
1276.210	Repealed
1276.220	Repealed
1276.310	Repealed
1276.320	Repealed
1276.410	Repealed
1276.420	Repealed
1276.510	Repealed
1276.520	Repealed
1276.530	Repealed
1276.App. A	Repealed
1276.App. B	Repealed

- 4) Statutory Authority: Implementing and authorized by The Freedom of Information Act [5 ILCS 140] and Section 5-15 of The Illinois Administrative Procedure Act [5 ILCS 100/5-15]

- 5) Effective Date of Repealer: March 31, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this repealer contain incorporations by reference? No

- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register:

October 16, 1998, 22 Ill. Reg. 18131  
(issue date)

- 10) Has JCAR Issued a Statement of Objections to this Repealer? No

- 11) Difference(s) between proposal and final version: none

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.

- 13) Will this rule replace an Emergency Rule currently in effect? No

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer:

These rules were originally adopted by the Department of Alcoholism and Substance Abuse, which is now part of the Department of Human Services. New Freedom of Information Act (FOIA) rules for DHS have been adopted at 2 Ill. Adm. Code 1176.

16) Information and answers to questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Access to Public Records

2) Code Citation: 2 Ill. Adm. Code 1176

3) Section Numbers:

1176.10 Repealed  
1176.20 Repealed  
1176.100 Repealed  
1176.110 Repealed  
1176.200 Repealed  
1176.210 Repealed  
1176.300 Repealed  
1176.310 Repealed  
1176.400 Repealed  
1176.410 Repealed  
1176.420 Repealed  
Exhibit A Repealed  
Exhibit B Repealed

Adopted Action:

Repealed  
Repealed  
Repealed  
Repealed  
Repealed  
Repealed  
Repealed  
Repealed  
Repealed  
Repealed  
Repealed  
Repealed  
Repealed  
Repealed

4) Statutory Authority: Implementing The Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3 of the Disabled Person's Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Repealer: March 31, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

October 16, 1998, 22 Ill. Reg. 18836  
(issue date)

10) Has JCAR Issued a Statement of Objections to this Repealer? No

11) Difference(s) between proposal and final version: none

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.

13) Will this rule replace an Emergency Rule currently in effect? No



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
1176.10	New	22 Ill. Reg. 18829
1176.20	New	22 Ill. Reg. 18829
1176.100	New	22 Ill. Reg. 18829
1176.110	New	22 Ill. Reg. 18829
1176.200	New	22 Ill. Reg. 18829
1176.210	New	22 Ill. Reg. 18829
1176.300	New	22 Ill. Reg. 18829
1176.310	New	22 Ill. Reg. 18829
1176.400	New	22 Ill. Reg. 18829
1176.410	New	22 Ill. Reg. 18829
1176.420	New	22 Ill. Reg. 18829

- 15) Summary and Purpose of Repealer: Part 1176 of the former legacy agency Department of Rehabilitation Services (DORS) is being repealed and replaced with 2 Ill. Adm. Code 1176 for DHS.

- 16) Information and answers to questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Access to Public Records
- 2) Code Citation: 2 Ill. Adm. Code 1176
- 3) Section Numbers:  
     1176.10      New Section  
     1176.20      New Section  
     1176.100     New Section  
     1176.110     New Section  
     1176.200     New Section  
     1176.210     New Section  
     1176.300     New Section  
     1176.310     New Section  
     1176.400     New Section  
     1176.410     New Section  
     1176.420     New Section
- 4) Statutory Authority: Implementing The Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3 of the Disabled person's Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rule: 3/31/99
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 16, 1998, 22 Ill. Reg. 18829
- 10) Has JCAR Issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): The Freedom of Information Act (FOIA)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

has been identified as overlapping rules inherited by DHS from the six legacy agencies. Changes to this rule will combine terms and definitions used in the various prototypes.

- 16) Information and answers to questions regarding these adopted rules shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

The full text of Adopted Rule(s) begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL AGENCIES  
SUBTITLE D: CODE DEPARTMENTS  
CHAPTER XX: DEPARTMENT OF HUMAN SERVICES

PART 1176  
ACCESS TO PUBLIC RECORDS

## SUBPART A: INTRODUCTION

Section  
1176.10  
1176.20

Summary and Purpose  
Definitions

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section  
1176.100  
1176.110

Person to Whom Requests are Submitted  
Form and Content of Requests

## SUBPART C: PROCEDURES FOR DHS RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section  
1176.200  
1176.210

Timelines for DHS Response  
Categories of DHS Response

## SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section  
1176.300  
1176.310

Appeal of a Denial  
Secretary's Response to Appeal

## SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section  
1176.400  
1176.410  
1176.420

Inspection of Records at Department Offices  
Copies of Public Records  
General Materials Available from the Freedom of Information Officer

**AUTHORITY:** Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3 fo the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

SOURCE: Adopted at 8 Ill. Reg. 15957, effective August 20, 1984; amended at 9 Ill. Reg. 2314, effective February 15, 1985; amended at 9 Ill. Reg. 12859, effective August 6, 1985; amended at 11 Ill. Reg. 19416, effective November 13, 1987; amended at 12 Ill. Reg. 14689, effective September 2, 1988; amended at 13 Ill. Reg. 15763, effective September 22, 1989; amended at 14 Ill. Reg. 15999, effective September 17, 1990; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9327; old Part repealed and new Part adopted at 23 Ill. Reg. ~~4404~~ **4404**; effective **MAR 31 1999**.

## SUBPART A: INTRODUCTION

## Section 1176.10 Summary and Purpose

- a) This Part is established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of this Part is to support the policy of providing public access to the public records in the possession of this Department while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) This Part creates a procedure by which the public may request and obtain public records. Therefore, it is being filed in accordance with Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

## Section 1176.20 Definitions

Terms used in this Part shall have the same meaning as in the Freedom of Information Act.

"DHS" means the Department of Human Services.

"FOIA" means the Freedom of Information Act.

"Freedom of Information Officer" means an individual responsible for receiving and responding to requests for public records.

"Requestor" means a person who submits a request for public records in accordance with this Part.

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

## Section 1176.100 Person to Whom Requests are Submitted

Requests for public records shall be submitted to the DHS Freedom of Information Officer. Requests shall be submitted to the following address:

Freedom of Information Officer

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

Department of Human Services  
100 South Grand Ave., East  
Springfield IL 62762  
ATTN: FOIA Request

## Section 1176.110 Form and Content of Requests

- a) All requests for records submitted to the Department in accordance with FOIA shall be made in writing unless the individual is unable, because of disability, to prepare a written request.
- b) Oral requests will be handled expeditiously. However, the required response times and the appeal procedures contained in FOIA and this Part do not apply to oral requests.
- c) The requestor shall provide the following information in a request for public records:
  - 1) The requestor's full name, address and phone number.
  - 2) A brief description of the public records sought, being as specific as possible.
  - 3) Whether the request is for inspection of public records, copies of public records, or both.
  - 4) Whether the requestor wants copies of public records certified.

## SUBPART C: PROCEDURES FOR DHS RESPONSE TO REQUESTS FOR PUBLIC RECORDS

## Section 1176.200 Timelines for DHS Response

- a) The Department shall respond in writing to a written request for public records within 7 working days after the receipt of such request.
- b) The Department may give notice of an extension of time to respond that does not exceed an additional 7 working days. Such an extension is allowable only if written notice is provided within the original 7 working day time limit and only for the reasons provided in Section 3(d) of FOIA [5 ILCS 140/3(d)]. Such notice of extension shall state the reasons why the extension is necessary.

## Section 1176.210 Categories of DHS Response

- a) DHS shall respond to a request for public records in one of three ways:
  - 1) Approve the request.
  - 2) Approve in part and deny in part.
  - 3) Deny the request.
- b) Upon approval of a request for public records, DHS may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
- c) A denial of a request for public records shall be made in writing. It



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of FOIA [5 ILCS 140/3 and 7] and the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to appeal to the Secretary of DHS.

- d) Categorical requests creating an undue burden upon DHS shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of FOIA [5 ILCS 140/3(f)].
- e) Failure to respond to a written request within 7 working days may be considered by the requestor a denial of the request.

## SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

## Section 1176.300 Appeal of a Denial

- a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Secretary of DHS. The appeal must be postmarked within 10 working days after the denial. The notice of appeal shall be made in writing and sent to:

Secretary  
Department of Human Services  
100 South Grand Ave. East  
Springfield, Illinois 62762  
ATTN: FOIA Appeal

- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.

## Section 1176.310 Secretary's Response to Appeal

The Secretary shall respond to an appeal within 7 working days after receiving notice of the appeal. Secretary shall either affirm the denial or uphold the appeal. The Secretary's response shall state the requestor's right to a judicial review of the decision pursuant to Section 11 of FOIA [5 ILCS 140/11]. Failure to respond within 7 working days may be considered by the requestor an affirmation of the denial.

## SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

## Section 1176.400 Inspection of Records at Department Offices

- a) Generally, public records will be made available for inspection during normal working hours of the DHS office where they are maintained.
- b) Documents that the requestor wishes to have copied shall be segregated during the course of the inspection.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

- c) An employee of DHS shall be present throughout the inspection. The requestor may be prohibited from bringing bags, briefcases or other containers into the inspection room.
- d) Files shall be reviewed and exempt or confidential information shall be deleted by a DHS employee before a requestor is permitted access to them. The FOI Officer shall be consulted in cases where DHS staff have questions concerning confidentiality.
- e) The requestor shall arrange a time and date to review records that is convenient for the DHS employees who maintain the requested records.
- f) The requestor may not remove records from DHS offices, except those copies produced and paid for (if applicable per Section 1176.410 of this Part) during the requestor's inspection of the file.

## Section 1176.410 Copies of Public Record

- a) Copies of public records shall be provided to the requestor only upon payment of any charges that are due. Payment must be by check or money order made payable to the Department of Human Services. If payment is not received within 60 days after DHS has notified the requestor of the charges, DHS shall consider the request withdrawn.
- b) Charges for copies of public records shall be 10 cents per page for requests of 10 or more pages. No cost will be charged for records containing fewer than 10 pages.
- c) Charges may be waived or reduced if the requestor is an employee of a State agency, a constitutional officer, or a member of the General Assembly, and for all others whose requests for information are in the public interest (i.e., if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit). The person requesting the documents must request that the fee be waived or reduced and must state the specific purpose for the records, that a waiver or reduction is in the public interest and the reasons why.

## Section 1176.420 General Materials Available from the Freedom of Information Officer

The Freedom of Information Officer shall make available to the public at no charge the following materials:

- a) A brief description of DHS organizational structure and budget;
- b) A brief description of the means for requesting information and public records;
- c) A list of types and categories of public records maintained by DHS; and
- d) A copy of all DHS Administrative Rules.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Freedom of Information

2) Code Citation: 2 Ill. Adm. Code 1026

3) Section Numbers: Adopted Action:

1026.110	Repealed
1026.120	Repealed
1026.130	Repealed
1026.140	Repealed
1026.150	Repealed
1026.160	Repealed
1026.170	Repealed
1026.190	Repealed
1026.200	Repealed

4) Statutory Authority: Implementing and authorized by Section 1 of The Freedom of Information Act [5 ILCS 140/1] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]

5) Effective Date of Repealer: March 31, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

October 16, 1998, 22 Ill. Reg. 18191  
(issue date)

10) Has JCAR Issued a Statement of Objections to this Repealer? No

11) Difference(s) between proposal and final version: none

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part: no

15) Summary and Purpose of Repealer: Part 1026 of the former legacy agency Department of Mental Health and Developmental Disability (DMHDD) is being

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

replaced with 2 Ill. Adm. Code 1176 (DHS).

16) Information and answers to questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Sewer Discharge Criteria

2) Code citation: 35 Ill. Adm. Code 307

<u>Section numbers:</u>	<u>Adopted action:</u>
307.4000	Amended
307.4001	Amended
307.4002	Amended
307.4003	Added
307.4004	Amended
307.4005	Amended
307.4006	Amended
307.4007	Amended
307.4008	Amended
307.4009	Amended
307.4010	Amended
307.4011	Amended
307.4012	Amended
307.4013	Repealed
307.4014	Repealed
307.4015	Repealed
307.4016	Repealed
307.4017	Repealed
307.4018	Repealed
307.4019	Repealed
307.4020	Repealed
307.4021	Repealed
307.4022	Repealed
307.4023	Repealed
307.4024	Repealed
307.4025	Repealed
307.4026	Repealed
307.4101	Repealed

4) Statutory authority: 415 ILCS 5/22.40 and 27

5) Effective date of Amendments: March 31, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes, see incorporations in 35 Ill. Adm. Code 307.4000 through 307.4012.

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of proposal published in Illinois Register:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

23 Ill. Reg. 631 (January 15, 1999)

10) Has JCAR issued a Statement of Objections to these rules? No

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35 and 5-40] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

The final version is substantially the same as the proposal; however, the final version incorporates an additional federal action taken by the United States Environmental Protection Agency (USEPA). On August 7, 1998, the USEPA published additional amendments which corrected minor typographical errors and oversights contained in the federal action taken on April 15, 1998. Inclusion of the August 7, 1998 amendments is necessary to minimize confusion to the regulated community and the general public.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.40(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency rules currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of March 18, 1999 in R99-4, which opinion and order is available from the address below. Section 22.40 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R99-4 proceeding updates the Board's wastewater pretreatment rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the period of January 1, 1998 through June 30, 1998. Additionally, this rulemaking also incorporates one federal action occurring on August 7, 1998 which makes corrections to the federal action of April 15, 1998.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Specifically, the amendments to Part 307 consolidate into 12 sections what were once 26 sections of effluent limitations guidelines and standards for the pulp, paper, and paperboard industry. This reorganization, also eliminates the separate category of "Builder's Paper and Roofing Felt" and integrates that category into one of the twelve new sub-categories.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Karen L. Kavanagh  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601  
312-814-6062

Request copies of the Board's opinion and order of March 18, 1999 from the Board receptionist at 312-814-3620.

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 307  
SEWER DISCHARGE CRITERIA

## SUBPART A: GENERAL PROVISIONS

Section	Preamble (Renumbered)
307.101	General Requirements (Renumbered)
307.102	Mercury (Renumbered)
307.103	Cyanide (STORET number 00720) (Renumbered)
307.104	Pretreatment Requirements (Repealed)
307.105	Preamble
307.1001	Definitions
307.1002	Test Procedures for Measurement
307.1003	Toxic Pollutants
307.1005	

## SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	General and Specific Requirements
307.1101	Mercury
307.1102	Cyanide
307.1103	

## SUBPART F: DAIRY PRODUCTS PROCESSING

Section	Receiving Stations
307.1501	Fluid Products
307.1502	Cultured Products
307.1503	Butter
307.1504	Cottage Cheese and Cultured Cream Cheese
307.1505	Natural and Processed Cheese
307.1506	Fluid Mix for Ice Cream and other Frozen Desserts
307.1507	Ice Cream, Frozen Desserts, Novelities and Other Dairy Desserts
307.1508	Condensed Milk
307.1509	Dry Milk
307.1510	Condensed Whey
307.1511	Dry Whey
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## SUBPART G: GRAIN MILLS

Section	Corn Wet Milling
307.1601	Corn Dry Milling
307.1602	

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307.1603 Normal Wheat Flour Milling  
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 307.1605 Normal Rice Milling  
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 307.1701 Apple Juice  
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## SUBPART I: CANNED AND PRESERVED SEAFOOD

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## SUBPART J: SUGAR PROCESSING

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307.2513	Potassium Sulfate Production
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Section

## POLLUTION CONTROL BOARD

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307.3105	Primary Electrolytic Copper Refining
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307.3127	Secondary Tin
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## SUBPART X: STEAM ELECTRIC POWER GENERATING

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307.3703	Asbestos Paper (Starch Binder)
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307.3802	Emulsion Crumb Rubber
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307.3912	Finishing
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307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Without Laundry Facilities

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booth(s) or With Laundry Facilities
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307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite Unbleached--Kraft-Neutral--Sulfite--Semi-Chemical
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307.4024	Nonintegrated-Lightweight Papers (Repealed)
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307.6503 Pesticide Chemicals Formulating and Packaging  
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## SUBPART CG: CARBON BLACK MANUFACTURING

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 307.6801 Carbon Black Furnace Process  
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## SUBPART CJ: BATTERY MANUFACTURING

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## SUBPART CO: PORCELAIN ENAMELING

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## SUBPART CP: ALUMINUM FORMING

## Section

307.7700 General Provisions  
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## SUBPART CO: COPPER FORMING

## Section

307.7800 General Provisions  
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## SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

## Section

307.7901 Semiconductor  
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## SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

## Section

307.8100 General Provisions  
 307.8101 Lead-Tin-Bismuth Forming  
 307.8102 Magnesium Forming  
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 307.8104 Precious Metals Forming  
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307.8108 Zinc Forming  
 307.8109 Zirconium-Hafnium Forming  
 307.8110 Metal Powders

## APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. ~~4413~~, effective ~~MAR 31 1999~~.

SUBPART BE: PULP, PAPER AND PAPERBOARD

## Section 307.4000 General Provisions

- Applicability. This Subpart applies to any pulp, paper or paperboard mill which introduces or may introduce process wastewater pollutants into a publicly owned treatment works (POTW).
- General definitions. The Board incorporates by reference 40 CFR 430.01 (1998) ~~41966~~ and additional amendments to that Section found at 63 Fed. Reg. 42239 (August 7, 1998). This incorporation includes no later amendments or editions.
- Best management practices. The Board incorporates by reference 40 CFR 430.03 (1998). This incorporation includes no later amendments or editions.

(Source: Amended at 23 Ill. Reg. ~~4413~~, effective ~~MAR 31 1999~~)

Section 307.4001 Dissolving Kraft ~~Unbleached-Kraft~~

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- a) Applicability. This Section applies to discharges resulting from the production of dissolving pulp at kraft mills ~~pulp-and-paper-at unbleached-kraft-mills~~.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.11 (1998 1986). This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 430.16 (1998 1986). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 430.17 (1998 1986). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 23 Ill. Reg. 4413, effective MAR 31 1999)

## Section 307.4002 Bleached Papergrade Kraft and Soda Semi-Chemical

- a) Applicability. This Section applies to discharges resulting from: the production of market pulp at bleached kraft mills; the integrated production of paperboard, coarse paper, and tissue paper at bleached kraft mills; the integrated production of pulp and fine papers at bleached kraft mills; and the integrated production of pulp and paper at soda mills ~~the-integrated-production-of-pulp-and-paper-at semi-chemical-mills~~.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.21 (1998 1986). This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 430.26 (1998 1986) and additional amendments to that Section found at 63 Fed. Reg. 42239 (August 7, 1998). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- d) New sources:
- 1) The Board incorporates by reference 40 CFR 430.27 (1998 1986) and additional amendments to that Section found at 63 Fed. Reg. 42239 (August 7, 1998). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.
  - e) Best management practices. The Board incorporates by reference 40 CFR 430.28 (1998). This incorporation includes no later amendments or editions.

(Source: Amended at 23 Ill. Reg. 4413, effective MAR 31 1999)

## Section 307.4003 Unbleached Kraft

- a) Applicability. This Section applies to discharges resulting from: the production of pulp and paper at unbleached kraft mills; the production of pulp and paper at unbleached kraft-neutral sulfite semi-chemical (cross recovery) mills; and the production of pulp and paper at combined unbleached kraft and semi-chemical mills, wherein the spent semi-chemical cooking liquor is burned within the unbleached kraft chemical recovery system.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.31 (1998). This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 430.36 (1998). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## d) New sources:

- 1) The Board incorporates by reference 40 CFR 430.37 (1998). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

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## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 4413, effective MAR 31 1999)

**Section 307.4004 Dissolving Sulfite Unbleached--Kraft-Neutral--Sulfite Semi-Chemical--(Cross-Recovery)**

- a) Applicability. This Section applies to discharges resulting from the production of pulp at dissolving sulfite mills and ~~paper-at-bleached kraft-neutral-sulfite-semi-chemical-(cross-recovery)-mills~~.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.41 (1998 1997). This incorporation includes no later amendments or editions.
- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 430.46 (1998 1997). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 430.47 (1998 1997). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 23 Ill. Reg. 4413, effective MAR 31 1999)

**Section 307.4005 Papergrade Sulfite Paperboard--From Wastepaper**

- a) Applicability. This Section applies to discharges resulting from the integrated production of pulp and paper at papergrade sulfite mills where blow pit pulp washing techniques are used; and the integrated production of pulp and paper at papergrade sulfite mills where vacuum or pressure drums are used to wash pulp ~~production-of-paperboard--from wastepaper~~.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.51 (1998 1996). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 430.56 (1998 1996) and additional amendments to that Section found at 63 Fed. Reg. 42240 (August 7, 1998). This incorporation includes no later amendments

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or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 430.57 (1998 1996) and additional amendments to that Section found at 63 Fed. Reg. 42240 (August 7, 1998). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 23 Ill. Reg. 4413, effective MAR 31 1999)

**Section 307.4006 Semi-Chemical Dissolving-Kraft**

- a) Applicability. This Section applies to discharges resulting from the integrated production of pulp and paper at semi-chemical mills ~~production-of-dissolving-pulp-at-kraft-mills~~.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.61 (1998 1996). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 430.66 (1998 1996). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 430.67 (1998 1996). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 23 Ill. Reg. 4413, effective MAR 31 1999)



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MAR 31 1999**Section 307.4007 Mechanical Pulp Market-Bleached-Kraft**

- a) Applicability. This Section applies to discharges resulting from: the production of pulp and paper at groundwood chemi-mechanical mills; the production of pulp and paper at groundwood mills through the application of the thermo-mechanical process; the integrated production of pulp and coarse paper, molded pulp products, and newsprint at groundwood mills; and the integrated production of pulp and fine paper at groundwood mills the production of--market--pulp--at bleached-kraft-mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.71 (1998 ±986). This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 430.76 (1998 ±986). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 430.77 (1998 ±986). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 430.76 (1998 ±986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## d) New sources:

- 1) The Board incorporates by reference 40 CFR 430.77 (1998 ±986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 23 Ill. Reg. 441.832, effective MAR 31 1999)

**Section 307.4008 Non-Wood Chemical Pulp BEW-Bleached-Kraft**

- a) Applicability. This Section applies to discharges resulting from the production of pulp and paper at non-wood chemical pulp mills. This sub-category includes, but is not limited to, mills producing non-wood pulps from chemical pulping processes such as kraft, sulfite, or soda pulps integrated-production-of-paperboard-coarse-paper-or-tissue-paper--at bleached-kraft-mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.81 (1998 ±986). This incorporation includes no later amendments or editions.
- c) Existing sources:

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- 1) The Board incorporates by reference 40 CFR 430.86 (1998 ±986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## d) New sources:

- 1) The Board incorporates by reference 40 CFR 430.87 (1998 ±986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 23 Ill. Reg. 441.832, effective MAR 31 1999)

**Section 307.4009 Secondary Fiber Deink Fine-Bleached-Kraft**

- a) Applicability. This Section applies to discharges resulting from the integrated production of pulp and paper at deink mills or-fine--papers at-bleached-kraft-mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.91 (1998 ±986). This incorporation includes no later amendments or editions.

## c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 430.96 (1998 ±986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## d) New sources:

- 1) The Board incorporates by reference 40 CFR 430.97 (1998 ±986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 23 Ill. Reg. 441.832, effective MAR 31 1999)

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**Section 307.4010 Secondary Fiber Non-Deink Papergrade-Sulfite-(Blow-Pit-Wash)**

- a) Applicability. This Section applies to discharges resulting from the production of: paperboard from wastepaper; tissue paper from wastepaper without deinking at secondary fiber mills; molded products from wastepaper without deinking at secondary fiber mills; and builders' paper and roofing felt from wastepaper integrated-production of pulp-and-paper-at-papergrade-sulfite-mills--where-blow-pit--pulp washing-techniques-are-used.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.101 (1998 1986). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 430.106 (1998 1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 430.107 (1998 1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 23 Ill. Reg. 6413 32, effective MAR 31 1999)

**Section 307.4011 Fine and Lightweight Papers from Purchased Pulp Dissolving Sulfite-Pulp**

- a) Applicability. This Section applies to discharges resulting from the production of: fine paper at non-integrated mills; and lightweight paper at non-integrated mills pulp-at-dissolving-sulfite-mills.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.111 (1998 1986). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 430.116 (1998 1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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- d) New sources:

- 1) The Board incorporates by reference 40 CFR 430.117 (1998 1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 23 Ill. Reg. 6413 32, effective MAR 31 1999)

**Section 307.4012 Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp Groundwood-Chemi-Mechanical**

- a) Applicability. This Section applies to discharges resulting from the production of tissue papers at non-integrated mills, filter and non-woven papers at non-integrated mills, and paperboard at non-integrated mills. The production of electrical grades of board and matrix board is not included in this Subpart pulp-and-paper-at-groundwood-chemi-mechanical-mills.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.121 (1998 1986). This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources: All sources are regulated as existing sources.

(Source: Amended at 23 Ill. Reg. 6413 32, effective MAR 31 1999)

**Section 307.4013 Groundwood-Thermo-Mechanical (Repealed)**

- a) Applicability. This Section applies to discharges resulting from the production of: pulp-and-paper-at-groundwood-mills-through-the application-of-the-thermo-mechanical-process.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.131 (1986). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 430.136 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such



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## standards:

- d) New sources:
- 1) The Board incorporates by reference 40-CFR-430-i57-(1986);--this incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a--POW--in violation of--such standards.
  - 3) "New--source"---means---any--building,--structure,--facility--or installation the construction of which commenced after January 67 1981.

(Source: Repealed at 23 Ill. Reg. 2428 effective  
MAR 31 1999)

## Section 307.4014 Groundwood-CMN Papers (Repealed)

- a) Applicability:--This Section applies to discharges resulting from the integrated production of pulp and coarse paper, molded pulp products and newsprint at groundwood mills.
- b) Specialized definitions:--The Board incorporates by reference 40-CFR 430-i41-(1986);--this incorporation includes no later amendments or editions:

## c) Existing sources:

- 1) The Board incorporates by reference 40-CFR-430-i46-(1986);--this incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a--POW--in violation of--such standards.
- d) New sources:
- 1) The Board incorporates by reference 40-CFR-430-i47-(1986);--this incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a--POW--in violation of--such standards.
  - 3) "New--source"---means---any--building,--structure,--facility--or installation the construction of which commenced after January 67 1981.

(Source: Repealed at 23 Ill. Reg. 2428 effective  
MAR 31 1999)

## Section 307.4015 Groundwood-Fine Papers (Repealed)

- a) Applicability:--This Section applies to discharges resulting from the integrated production of pulp and fine paper at groundwood mills.

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- b) Specialized definitions:--The Board incorporates by reference 40-CFR 430-i51-(1986);--this incorporation includes no later amendments or editions:
- c) Existing sources:
- 1) The Board incorporates by reference 40-CFR-430-i56-(1986);--this incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a--POW--in violation of--such standards.
- d) New sources:
- 1) The Board incorporates by reference 40-CFR-430-i57-(1986);--this incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a--POW--in violation of--such standards.
  - 3) "New--source"---means---any--building,--structure,--facility--or installation the construction of which commenced after January 67 1981.

(Source: Repealed at 23 Ill. Reg. 2428 effective  
MAR 31 1999)

## Section 307.4016 Soda (Repealed)

- a) Applicability:--This Section applies to discharges resulting from the integrated production of pulp and paper at soda mills.
- b) Specialized definitions:--The Board incorporates by reference 40-CFR 430-i61-(1986);--this incorporation includes no later amendments or editions:
- c) Existing sources:
- 1) The Board incorporates by reference 40-CFR-430-i66-(1986);--this incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a--POW--in violation of--such standards.
- d) New sources:
- 1) The Board incorporates by reference 40-CFR-430-i67-(1986);--this incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a--POW--in violation of--such standards.
  - 3) "New--source"---means---any--building,--structure,--facility--or installation the construction of which commenced after January 67 1981.



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(Source: Repealed at 23 Ill. Reg. 4413, effective MAR 31 1999)

## Section 307.4017 Deink (Repealed)

- a) Applicability:---This Section applies to discharges resulting from the integrated production pulp and paper at deink mills.  
 b) Specialized definitions:---The Board incorporates by reference 40--EPR 430-171--(1986):---This incorporation includes no later amendments or editions.

## c) Existing sources:

- 1) The Board incorporates by reference 40--EPR 430-176--(1986):---This incorporation includes no later amendments or editions.  
 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a--PGW in violation of such standards.

## d) New sources:

- 1) The Board incorporates by reference 40--EPR 430-177--(1986):---This incorporation includes no later amendments or editions.  
 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a--PGW in violation of such standards.  
 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 67 1981.

(Source: Repealed at 23 Ill. Reg. 4413, effective MAR 31 1999)

## Section 307.4018 Nonintegrated Fine Papers (Repealed)

- a) Applicability:---This Section applies to discharges resulting from the production of fine paper at nonintegrated mills.  
 b) Specialized definitions:---The Board incorporates by reference 40--EPR 430-181--(1986):---This incorporation includes no later amendments or editions.

## c) Existing sources:

- 1) The Board incorporates by reference 40--EPR 430-186--(1986):---This incorporation includes no later amendments or editions.  
 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a--PGW in violation of such standards.

## d) New sources:

- 1) The Board incorporates by reference 40--EPR 430-187--(1986):---This incorporation includes no later amendments or editions.

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- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a--PGW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 67 1981.

(Source: Repealed at 23 Ill. Reg. 4413, effective MAR 31 1999)

## Section 307.4019 Nonintegrated Tissue Papers (Repealed)

- a) Applicability:---This Section applies to discharges resulting from the production of tissue papers at non integrated mills.  
 b) Specialized definitions:---The Board incorporates by reference 40--EPR 430-191--(1986):---This incorporation includes no later amendments or editions.

## c) Existing sources:

- 1) The Board incorporates by reference 40--EPR 430-196--(1986):---This incorporation includes no later amendments or editions.  
 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a--PGW in violation of such standards.

## d) New sources:

- 1) The Board incorporates by reference 40--EPR 430-197--(1986):---This incorporation includes no later amendments or editions.  
 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a--PGW in violation of such standards.  
 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 67 1981.

(Source: Repealed at 23 Ill. Reg. 4413, effective MAR 31 1999)

## Section 307.4020 Tissue From Wastepaper (Repealed)

- a) Applicability:---This Section applies to discharges resulting from the production of tissue paper from wastepaper without deinking at secondary fiber mills.  
 b) Specialized definitions:---The Board incorporates by reference 40--EPR 430-201--(1986):---This incorporation includes no later amendments or editions.

## c) Existing sources:

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- 1) The Board incorporates by reference 40 CFR 430.286-(1986).--This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a PPGW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 430.287-(1986).--This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a PPGW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Repealed at 23 Ill. Reg.

effective

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## Section 307.4021 Papergrade Sulfite (Drum Wash) (Repealed)

- a) Applicability.--This Section applies to discharges resulting from the integrated production of pulp and paper at paper grade, sulfate mills, where vacuum or pressure drums are used to wash pulp.
- b) Specialized definitions.--The Board incorporates by reference 40 CFR 430.211-(1986).--This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 430.216-(1986).--This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a PPGW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 430.217-(1986).--This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a PPGW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Repealed at 23 Ill. Reg.

effective

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## Section 307.4022 Unbleached Kraft and Semi-Chemical (Repealed)

- a) Applicability.--This Section applies to discharges resulting from the production of pulp and paper at combined unbleached kraft and semi-chemical mills, in which the spent semi-chemical cooking liquor is burned within the unbleached kraft chemical recovery system.
- b) Specialized definitions.--The Board incorporates by reference 40 CFR 430.221-(1986).--This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 430.236-(1986).--This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a PPGW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 430.237-(1986).--This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a PPGW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Repealed at 23 Ill. Reg.

effective

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## Section 307.4023 Wastepaper-Molded Products (Repealed)

- a) Applicability.--This Section applies to discharges resulting from the production of molded products from wastepaper without deinking at secondary fiber mills.
- b) Specialized definitions.--The Board incorporates by reference 40 CFR 430.231-(1986).--This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 430.236-(1986).--This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a PPGW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 430.237-(1986).--This incorporation includes no later amendments or editions.



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2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Repealed at 23 Ill. Reg. 2410.3, effective MAR 31 1999)

## Section 307.4024 Nonintegrated-Lightweight Papers (Repealed)

a) Applicability. This Section applies to discharges resulting from the production of lightweight paper at nonintegrated mills.

b) Specialized definitions. The Board incorporates by reference 40-CFR 430-241-(1986); this incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40-CFR 430-246-(1986); this incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40-CFR 430-247-(1986); this incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Repealed at 23 Ill. Reg. 2410.3, effective MAR 31 1999)

## Section 307.4025 Nonintegrated-Filter and Nonwoven Papers (Repealed)

a) Applicability. This Section applies to discharges resulting from the production of filter and nonwoven papers at nonintegrated mills.

b) Specialized definitions. The Board incorporates by reference 40-CFR 430-251-(1986); this incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40-CFR 430-256-(1986); this

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incorporation includes no later amendments or editions.  
2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40-CFR 430-257-(1986); this incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Repealed at 23 Ill. Reg. 2410.3, effective MAR 31 1999)

## Section 307.4026 Nonintegrated-Paperboard (Repealed)

a) Applicability. This Section applies to discharges resulting from the production of paperboard at nonintegrated mills. The production of electrical grades of board and matrix board is not included in this Section.

b) Specialized definitions. The Board incorporates by reference 40-CFR 430-261-(1986); this incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40-CFR 430-266-(1986); this incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40-CFR 430-267-(1986); this incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (i) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Repealed at 23 Ill. Reg. 2410.3, effective MAR 31 1999)



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## SUBPART BF: BUILDERS' PAPER AND BOARD MILLS (Repealed)

## Section 307.4101 Builder's Paper and Roofing Felt (Repealed)

- a) Applicability--This Section applies to discharges resulting from--the production of builders' paper and roofing felt from waste paper.
- b) Specialized definitions--The Board incorporates by reference 40-CFR 431.11 (1986)--This incorporation includes no later amendments--or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40-CFR 431.16 (1986)--This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40-CFR 431.17 (1986)--This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Repealed 23 Ill. Reg. 144.135, effective  
MAR 31 1989)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Regional Poison Control Center Code2) Code Citation: 77 Ill. Adm. Code 215

<u>Section Numbers:</u>	<u>Adopted Action:</u>
215.100	New Section
215.200	New Section
215.300	New Section
215.400	New Section
215.500	New Section
215.600	New Section
215.700	New Section
215.800	New Section
215. Appendix A	New Section

4) Statutory Authority: Poison Control System Act [410 ILCS 47]5) Effective Date of Rulemaking: April 15, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No

## 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: August 23, 1998 - 22 Ill. Reg. 1551710) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version: The following changes were made in response to comments received during the first notice public comment period:

## 1. The following definition was added in Section 215.100:

"Managing Director - the person who is responsible on a full-time basis for operations, personnel, data analysis and other administrative duties in a Regional Poison Control Center."

## 2. "or Specialist in Poison Information" was added to the term "Poison Information Specialist," which is defined in Section 215.100.

## 3. In the definition of "Poison Specialty Consultants" in Section 215.100, "toxicologist" was changed to "clinical or medical toxicologist".

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4. The definition of "Poison Specialty Consultants" in Section 215.100 was divided into two paragraphs, with "medical toxicologists, or" added as the first paragraph and the existing language retained as the second paragraph.
5. Subsection 215.300(a) was amended to state: "The applicant may be a hospital licensed by the Department, or a non-hospital entity that has an agreement with a hospital licensed by the Department to provide clinical expertise."
6. A new subsection 215.400(d)(3) was added as follows: "(3) Cooperation with medical toxicology fellowship programs."
7. In subsection 215.400(e), "(e.g., cellular telephone capability)" was added.
8. Subsection 215.500(a) was revised to require the Center to have a medical director who is a physician, board certified or board eligible in medical toxicology.
9. "[D]irect patient care" was changed to "patient care" in Section 215.5(a)(5).
10. In Section 215.500(c), the requirement that the managing director be certified or eligible for board certification was changed to "should be certified or eligible."
11. A new Section 315.700 and new Section 215.800 were added as follows:  
 "Section 215.700 Misrepresentation  
 After December 31, 1999, no person shall use the phrase "poison center" or words of similar meaning in relation to himself or hold himself out as a poison center without first obtaining designation therefor pursuant to the Act and this Part.  
 Section 215.800 Advisory Committee  
 a) The Director of Public Health shall appoint an advisory committee, which shall advise the Department concerning the regulation of Regional Poison Control Centers under the Poison Control System Act.  
 b) The composition of the advisory committee shall be as follows:  
 1) Two board-certified toxicologists;

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- 2) Two emergency department physicians, one of whom is an EMS Medical Director, and one of whom is a pediatric emergency physician;
  - 3) An EMS Coordinator;
  - 4) A pharmacist;
  - 5) A consumer;
  - 6) A representative of the Illinois Department of Public Aid;
  - 7) The Chief of the Department's Division of Emergency Medical Services and Highway Safety;
  - 8) A hospital administrator; and
  - 9) A managing director of a Regional Poison Control Center.
- c) The Department shall provide travel expenses to the advisory committee members."
12. Appendix A, paragraph E.1 was amended to require the medical director to be board certified in medical toxicology.
  13. Appendix A, paragraph E.4. "Other poison information providers" was deleted.  
 The following changes were made in response to comments and suggestions of JCAR:  
 1. In the second paragraph of the definition of "Poison Specialty Consultants", "clinical or medical toxicologist" was changed to "clinical toxicologist".  
 2. In Section 315.200(c)(1), "the effective date of the Act" was changed to "January 1, 1993".  
 In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No

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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The Department has promulgated these rules to implement the Poison Control System Act [410 ILCS 47]. The rules establish application requirements for participation in the program, standards that must be met to achieve designation, and staffing and reporting requirements. The American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Center, which must be met by Regional Poison Control Centers, are included in the rules as Appendix A.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Ms. Gail DeVito, Division of Legal Services  
 Address: Department of Public Health  
 535 West Jefferson, Fifth Floor  
 Springfield, IL 62761  
 Telephone: 217/782-2043  
 E-mail: rules@dph.state.il.us

The full text of the Adopted Rules begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER f: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY

## PART 215

## REGIONAL POISON CONTROL CENTER CODE

Section	
215.100	Definitions
215.200	Rights and Obligations of Regional Poison Control Centers
215.300	Application for Designation as a Regional Poison Control Center
215.400	Operation of a Regional Poison Control Center
215.500	Staffing
215.600	Quarterly Data Submission
215.700	Misrepresentation
215.800	Advisory Committee
APPENDIX A	American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Center

AUTHORITY: Implementing and authorized by the Poison Control System Act [410 ILCS 47].

SOURCE: Adopted at 23 Ill. Reg. 14.6. effective

APR 15 1999

## Section 215.100 Definitions

The following terms shall have the meanings ascribed to them here whenever the term is used in this Part.

Act - the Poison Control System Act [410 ILCS 47].

*Advanced Life Support (ALS) Services* - an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the Advanced Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in rules adopted by the Department pursuant to the Emergency Medical Services Systems Act. (Section 3.10(a) of the Emergency Medical Services Systems Act [210 ILCS 50])

*Advanced Life Support Vehicles* - vehicles licensed by the Department to provide services at the ALS level.



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*Basic Life Support (BLS) Services* - a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in the Basic Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in rules adopted by the Department pursuant to the Emergency Medical Services Systems Act. (Section 3.10(c) of the Emergency Medical Services Systems Act)

*Basic Life Support Vehicles* - vehicles licensed by the Department to provide services at the BLS level.

Department - the Illinois Department of Public Health.

Director - the Director of the Illinois Department of Public Health or his designee.

EMS Medical Director - the physician appointed by the Resource Hospital who has the responsibility and authority for total management of the EMS System.

*Emergency Medical Services (EMS) System* - an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a system program plan submitted to and approved by the Department, and pursuant to the EMS Region Plan adopted for the EMS Region in which the System is located. (Section 3.20(a) of the Emergency Medical Services Systems Act)

*Emergency Medical Technician (EMT)* - a person who has successfully completed a course of instruction as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the Emergency Medical Services (EMS) Systems Act and the Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515) and practices within an EMS System.

*Full-Time Equivalent (FTE)* - the number of days routinely worked by a full-time hospital employee in one year. This shall not be less than 240 days.

*Hospital* - a facility licensed pursuant to the Hospital Licensing Act [210 ILCS 85].

*Human Poison Control Center* - an emergency public health service providing toxicity, hazard, and treatment information, case

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*documentation, and follow-up calls. A Human Poison Control Center is staffed, in part, by professionals dedicated solely to the operation of the Center while staffing the Center, provides 24 hour a day toll-free telephone access, and provides the public and health professionals with educational programs on poison prevention and treatment. (Section 10 of the Act)*

*Managing Director* - the person who is responsible on a full-time basis for operations, personnel, data analysis and other administrative duties in a Regional Poison Control Center.

*Medical Director* - the physician appointed by the Center who has responsibility and authority for total management of the Regional Poison Control Center.

*Pharmacist* - a person licensed as a registered pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

*Physician* - a person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

*Poison Information Specialist or Specialist in Poison Information* - a pharmacist, physician or registered nurse who is trained to read, understand, and interpret standard poison information resources and transmit that information in a logical, concise, and understandable way to health care professionals and the general public, and communicate information from standardized center treatment protocols approved by the Medical Director.

*Poison Specialty Consultants* -

medical toxicologists, or

professionals in any number of fields who provide technical information in their area of expertise concerning poison management and treatment. Examples may include botanist, entomologist, industrial hygienist, pharmacist, clinical toxicologist, or veterinarian.

*Regional Poison Control Center, Regional Poison Resource Center or Center - a Human Poison Control Center designated by the Illinois Department of Public Health, in accordance with the Act and this Part. (Section 15 of the Act)*

*Registered Nurse* - a person licensed as a registered professional nurse under the Illinois Nursing Act of 1987 [225 ILCS 65].

**Section 215.200 Rights and Obligations of Regional Poison Control Centers**

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- a) *The Director or his designee shall designate at least two and no more than three Regional Poison Control Centers.* (Section 15 of the Act)
- b) *Human poison control centers wishing to be designated as a Regional Poison Control Center shall submit an application in accordance with Section 215.300.*
- c) *If there are more than three applicants for designation as a Regional Poison Control Center or there is more than one applicant for the same geographic service area, the Director shall consider the following criteria in selecting an applicant for designation:*
- 1) *Whether the applicant has previously served as a Department-approved Regional Poison Control Center prior to January 1, 1993;*
  - 2) *Whether the applicant is affiliated with a medical school, school of nursing or other health care professional teaching program; and*
  - 3) *How quickly the applicant can establish its operations in compliance with the American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Center (Appendix A of this Part) and the requirements of this Part.*
- d) *Applicants shall be notified, in writing, if they have or have not been designated as a Regional Poison Control Center.*
- e) *Regional Poison Control Centers shall comply with the American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Center (Appendix A of this Part) within two years after designation unless the Center has been granted an extension by the Department.* (Section 15 of the Act) *The extension shall be provided in writing. The Department's decision to grant an extension shall be based on, but not limited to, the following circumstances:*
- 1) *The applicant has experienced difficulty in hiring staff;*
  - 2) *The applicant is waiting until designation to appoint a Medical or Managing Director and needs six months to fill the position;*
  - 3) *The applicant is waiting to establish a toll-free telephone number and conduct community outreach activities to promote public awareness of the toll-free telephone number.*
- f) *A Regional Poison Control Center shall maintain its designation unless it voluntarily closes, giving the Department at least a 90-day prior written notice of the intent to close, or the Department revokes the designation, in writing, for the Center's failure to comply with the Act and this Part.* (Section 15 of the Act) *Proceedings to revoke a Center's designation shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).*
- g) *Poison Control Centers shall cooperate to reduce the cost of operations, collect information on poisoning exposures, and provide education to the public and health professionals.* (Section 15 of the Act)
- h) *Regional Poison Control Centers shall be considered State agencies for purposes of the State Employee Indemnification Act [5 ILCS 350].*

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(Section 15 of the Act)

## Section 215.300 Application for Designation as a Regional Poison Control Center

- a) The applicant may be a hospital licensed by the Department, or a non-hospital-based entity that has an agreement with a hospital licensed by the Department to provide clinical expertise.
- b) All applicants shall submit a written program plan to the Department that includes a description of the geographic area to be served by the proposed Regional Poison Control Center and the following information about the licensed hospital:
- 1) Hospital name and address;
  - 2) Number of adult intensive care beds;
  - 3) Number of pediatric intensive care beds;
  - 4) Number of medical/surgical beds;
  - 5) Laboratory capabilities;
  - 6) Psychiatric service capabilities;
  - 7) Renal dialysis capabilities;
  - 8) Affiliation with a medical school, school of nursing or other health care professional teaching program (see Section 215.200(c)(2) of this Part); and
  - 9) Location of the applicant in relation to the proposed geographic service area.
- c) All applicants shall submit a written application to the Department documenting detailed information on the methods and time frames for complying with Section 215.500 of this Part if designation is granted, including the following information:
- 1) Name and qualifications of the proposed Poison Center's Medical Director;
  - 2) Availability of a comprehensive poison information resource file, in accordance with Section 215.400(b);
  - 3) Adequately trained and supervised poison information specialists, in accordance with Section 215.500(b);
  - 4) Toll-free telephone number that does not impose a direct fee to members of the public and health care providers calling for poison information; and
  - 5) Coordination with each EMS System to assure that all ALS vehicles are equipped with some poison antidotes.

## Section 215.400 Operation of a Regional Poison Control Center

- a) The Center shall be in operation and have toll-free telephone availability on a 24-hour-a-day, 365-days-a-year basis to both the general public and health care providers.
- b) The Center staff shall have immediate access during all hours of operation to comprehensive poison information, which shall include:
- 1) Current toxicology information resources available at the



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telephone answering site;

- 2) A comprehensive set of texts covering both general and specific aspects of acute poison management, available at the telephone answering site;
  - 3) Primary information resources (reprint files, systems, etc.) and access to a major medical library and/or information system; and
  - 4) Poison specialty consultants available on an on-call basis.
- c) The Center shall have written management protocols for responding to calls that provide a consistent pre-hospital approach to evaluation and treatment of toxic exposures and that are approved by the Center's Managing Director and Medical Director. These protocols shall be followed, shall be available at the telephone answering site, and shall include direction on follow-up, including written and oral poison prevention information.
- d) The Center shall have a health education component that includes at a minimum:
- 1) Instruction in prevention, care, and management of poisonings for health care professionals, including coordination with the EMS Medical Directors of each EMS System to assure that all EMTs are trained in initial poison management;
  - 2) Outreach education for the general public concerning poison prevention and first response; and
  - 3) Cooperation with medical toxicology fellowship programs.
- e) The Center shall have two-way communication capabilities with ambulances and other BLS or ALS vehicles in the service area (e.g., cellular telephone capability).
- f) The Center shall have a data management system that is kept current and:
- 1) Maintains patient confidentiality;
  - 2) Provides a sufficient narrative to allow for peer review and medical and legal audit; and
  - 3) Collects data elements to allow for prompt filing of quarterly reports in accordance with Section 215.600.
- g) The Center shall provide services to all patients regardless of ability to pay or source of payment.

## Section 215.500 Staffing

- a) The Center shall have a Medical Director who is a physician, board certified or board eligible in medical toxicology. The Medical Director shall have a medical staff appointment at a comprehensive poison treatment facility and be involved in the management of poisoned patients. In addition to clinical, academic teaching and research activities, the Medical Director shall formally commit at least 10 hours per week to poison center operational activities involving staff training, development of medical guidelines and quality assurance activities. The Medical Director shall be responsible for:

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- 1) Establishing Center policies;
  - 2) Developing medical protocols;
  - 3) Case review;
  - 4) Quality assurance;
  - 5) Providing patient care, telephone supervision and case consultation; and
  - 6) Providing training and support to poison information specialists.
- b) The Center shall have an adequate number of properly trained and supervised poison information specialists to assure that phone calls are answered promptly and that poison information is provided in a timely manner. Specialists in poison information shall be registered nurses, pharmacists or physicians who are qualified to understand and interpret standard poison information resources and to transmit that information in a logical, concise, and understandable way to both health professionals and the public. All specialists in poison information shall complete a training program approved by the Medical Director.
- c) Each Center shall have a full-time Managing Director responsible for operations, personnel, data analysis, and other administrative functions. The Managing Director of a Regional Poison Control Center shall be a registered nurse, pharmacist, physician or shall hold a degree in a health science discipline. This individual may also be the Medical Director. This individual should be certified or eligible for certification by the American Board of Medical Toxicology for physicians or by the American Board of Applied Toxicology for non-physicians. In the absence of certification, the Managing Director shall demonstrate ongoing interest and expertise in toxicology as evidenced by publications, research and continuing education. The Managing Director shall be able to clearly demonstrate full-time commitment to Center-related activities, including the areas of clinical toxicology, education, research and administration.

## Section 215.600 Quarterly Data Submission

The following data shall be collected by the Center and submitted to the Department, as a three-month total, by the 30th of the month following March 31, June 30, September 30 and December 31. The Department shall audit quarterly reports in response to a complaint if the complaint concerns information submitted in the report.

- a) Total Center encounters:
  - 1) Total poisonings,
  - 2) Information requests,
  - 3) Education requests.
- b) Age group of poison contact subject:
  - 1) Under 5 years old,
  - 2) 5-12 years old,
  - 3) 13-18 years old,
  - 4) 19-30 years old,



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- 5) 31 years old and over, or
- 6) Unknown age.
- c) Substance encountered:
  - 1) Prescription medications,
  - 2) Over-the-counter medications,
  - 3) Veterinary medications,
  - 4) Household products,
  - 5) Insect/arachnid/reptile/animal bite/sting,
  - 6) Beauty aids/cosmetics,
  - 7) Plants,
  - 8) Pesticides,
  - 9) Hydrocarbon,
  - 10) Street drug, or
  - 11) Other.

## d) Routes of poison contact:

- 1) Ingested,
- 2) Inhaled,
- 3) Skin contact,
- 4) Bites/stings,
- 5) Wound/puncture,
- 6) Eye contact, or
- 7) Other.

## e) Reason why contact occurred:

- 1) Accident,
- 2) Prescribed,
- 3) Intentional,
- 4) Recreational,
- 5) Suicide,
- 6) Industrial/work-related, or
- 7) Other.

## f) Source of call:

- 1) Local hospital,
- 2) Clinic/physician office,
- 3) Family/friend,
- 4) Self, or
- 5) Other.

## g) Initial Center treatment rendered:

- 1) Instructed in home care, including follow-up calls and documented to private physician;
- 2) Local medical facility or physician office advised in initial care of patient;
- 3) After initial instructions, patient referred to local human poison control center;
- 4) After initial instructions, patient referred to local hospital;
- 5) Patient referred directly to private physician; or
- 6) After initial instructions, patient referred to ophthalmologist.

- h) Final disposition of patients treated from subsections (g)(2), (3), (4), (5) and (6) of this Section:

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- 1) Patient treated at medical facility and released;
- 2) Patient treated at medical facility and admitted;
- 3) Patient treated at medical facility and transferred to Regional Poison Control Center;
- 4) Patient refused care recommendations;
- 5) Death; or
- 6) Unknown.
- i) Use of grant funds, if applicable.

## Section 215.700 Misrepresentation

After December 31, 1999, no person shall use the phrase "poison center" or words of similar meaning in relation to himself or hold himself out as a poison center without first obtaining designation therefor pursuant to the Act and this Part.

## Section 215.800 Advisory Committee

- a) The Director of Public Health shall appoint an advisory committee, which shall advise the Department concerning the regulation of Regional Poison Control Centers under the Poison Control System Act.

- b) The composition of the advisory committee shall be as follows:

- 1) Two board-certified toxicologists;
- 2) Three emergency department physicians, one of whom is an EMS Medical Director and one of whom is a pediatric emergency physician;
- 3) An EMS Coordinator;
- 4) A pharmacist;
- 5) A consumer;
- 6) A representative of the Illinois Department of Public Aid;
- 7) The chief of the Department's Division of Emergency Medical Services and Highway Safety;
- 8) A hospital administrator; and
- 9) The Managing Director of a Regional Poison Control Center.
- c) The Department shall provide travel expenses to the advisory committee members.

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**Section 215.APPENDIX A American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Center****Introduction**

The purpose of this document is to establish criteria by which poison centers can be recognized as possessing the qualities needed to adequately serve a significant population. Poison centers function primarily to provide poison information, telephone management and consultation, collect pertinent data, and deliver professional and public education. Poison treatment facilities function primarily to provide medical control for pre-hospital emergency medical services and to deliver health care to poisoned patients. Cooperation between Regional Poison Centers and poison treatment facilities is a key feature of any poison center program and is essential for achieving the ultimate goal of optimal health care for the poisoned patient.

**I. Determination of Region**

**A. Geographical characteristics.** A Regional Poison Center may serve a single state, a multi-state area, or only a portion of a state. The region should be determined by state authorities in conjunction with local health agencies and health care providers. In instances where multiple states are involved, designation from each state will be necessary. Documentation of state designations must be in writing and must clearly delineate the region to be served, the services to be provided, and the exclusivity of the designation. In instances where a state declines in writing to designate any poison center, designation by other political or health jurisdictions (e.g., county, health district) may be an acceptable alternative. In instances where more than one center is designated to serve the same area, evidence of cooperative arrangements must be provided.

**B. Population base.** In the absence of compelling reasons to the contrary, a Regional Poison Center program should serve a population base of no fewer than one million people. It is unlikely that a single Regional Poison Center could adequately serve more than 10 million people. The center must provide evidence that it adequately serves its entire region. In addition, the center must receive at least 10,000 human exposure calls per year.

**II. Regional Poison Information Service**

**A. The Regional Poison Center shall provide information 24 hours/day, 365 days/year to both health professionals and the public.** This criterion will be considered to be met if the center has at least one specialist in poison information in the center at all times, sufficient additional staff to promptly handle the center's incoming calls and the availability of the Medical Director or qualified designee,

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on-call by telephone, at all times.

**B. The Regional Poison Center shall be readily accessible by telephone from all areas within the region.** This criterion will be considered to be met if the center has a direct incoming telephone system that is extensively publicized throughout the region to both health professionals and the public. The center must maintain sufficient telephone lines to assure ready access. In the absence of a toll-free system, the center must demonstrate that the lack of a toll-free service is not an impediment to public use of the center.

**C. The Regional Poison Center shall maintain comprehensive poison information resources.** This criterion will be considered to be met if the center maintains:

1. One or more comprehensive toxicology information resources, immediately available at the central telephone answering site.
2. Current comprehensive texts covering both general and specific aspects of acute and chronic poisoning management immediately available at the central telephone answering site.
3. Primary information resources and ready availability of a major medical library.
4. A list of poison center specialty consultants who are available on an on-call basis (see II.E.5. below).

**D. The Regional Poison Center shall maintain written operational guidelines that provide a consistent approach to evaluation and management of toxic exposures.** This criterion will be considered to be met if the center provides written operational guidelines that include but are not limited to the follow-up of all potentially toxic exposures and appropriate criteria for patient disposition. These guidelines must be available in the center at all times and must be approved in writing by the Medical Director of the program.

**E. Staff qualifications for the Regional Poison Center.**

1. **Medical Director.** The Medical Director shall be board certified or board eligible in medical toxicology. The Medical Director must have a medical staff appointment at a comprehensive poison treatment facility and must be involved in the management of poisoned patients. The Medical Director should devote at least 50% of his/her professional activities to toxicology. In addition to clinical, academic teaching and research activities, the Medical Director must formally commit at least 10 hours per week to poison center operational activities involving staff

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training, development of medical guidelines and quality assurance activities.

2. **Managing Director.** The Managing Director of a regional poison center must be a registered nurse, pharmacist, physician or hold a degree in a health science discipline. This individual may also be the Medical Director. This individual should be certified or eligible for certification by the American Board of Medical Toxicology for physicians or by the American Board of Applied Toxicology for non-physicians. In the absence of certification, the Managing Director must be able to demonstrate on-going interest and expertise in toxicology as evidenced by publications, research and meeting attendance. The Managing Director must be able to clearly demonstrate full-time commitment to poison center related activities, including the areas of clinical toxicology, education, research and administration.

3. **Specialists in poison information.** Specialists in poison information must be registered nurses, pharmacists or physicians, or be currently certified by the Association as a specialist in poison information. Specialists in poison information must be qualified to understand and interpret standard poison information resources and to transmit that information in a logical, concise, and understandable way to both health professionals and the public. All specialists in poison information must complete a training program approved by the Medical Director and must be certified by the Association as a specialist in poison information within two examination administrations of their initial eligibility for the certification process. Specialists in poison information must spend an annual average of 16 hours per week in poison center related activities, including providing telephone consultation, teaching, or public education, or in poison center operations. All specialists in poison information, whether full-time or part-time, must be 100% dedicated to poison center activities during periods when they are assigned to the center.

4. **Poison center specialty consultants.** Poison center specialty consultants should be qualified by training or experience to provide sophisticated toxicology or patient care information in their area(s) of expertise. These consultants should be available on-call, with an expressed commitment to provide consultation services on an on-call, as needed basis. The list of consultants should reflect the type of poisonings encountered in the region.

5. **Administrative staff.** Poison center administrative personnel should be qualified by training and/or experience to supervise

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finances, operations, personnel, data analysis, and other administrative functions of the poison center.

## 6. Education staff.

a. **Professional education.** Professional education personnel should be qualified by training or experience to provide quality professional education lectures or materials to health professionals. This role will be supervised by the Medical Director.

b. **Public education.** Public education personnel should be qualified by training or experience to provide public-oriented poison center awareness, poison prevention and first aid for poisoning presentations. They must be capable of providing verbal presentations to public audiences, and have sufficient understanding of the material to accurately answer public questions. They may be full-time, part-time or volunteer staff.

F. **The Regional Poison Center shall have an ongoing quality assurance program.** This criterion will be considered to be met if the center has regularly scheduled staff inservices, morbidity and mortality conferences, case reviews and audits (such as chart, process or outcome audits).

## III. Regional Treatment Capabilities

A. **The Regional Poison Center shall identify the treatment capabilities of the treatment facilities of the region.** As a minimum, Regional Poison Centers shall identify analytical toxicology, emergency and critical care, and extracorporeal capabilities within the region for adults and children.

B. **The Regional Poison Center should have a working relationship with all poison treatment facilities in its region.**

C. **The Regional Poison Center should understand the analytical toxicology services in its region and how to interface with them.**

D. **The Regional Poison Center should understand how the region's prehospital transportation system is structured and how to interface with it.**

## IV. Regional Data Collection System

A. **The Regional Poison Center shall keep records of all cases handled by the center in a form that is acceptable as a medical record.** This



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criterion will be considered to be met if the center completes a record that contains data elements and sufficient narrative to allow for peer review and medical and/or legal audit, and such records are kept on file in compliance with standards for hospital recordkeeping in the region.

**B. The Regional Poison Center shall submit all its human exposure data to the Association's National Data Collection System meeting specified submission deadlines and quality requirements and including all required data elements.**

**C. The Regional Poison Center shall tabulate its experience for regional program evaluation on at least an annual basis. This criterion will be considered to be met if the center completes an annual report summarizing its own experience.**

**V. Professional and Public Education Programs**

**A. The Regional Poison Center shall provide information on the management of poisoning to the health professionals throughout the region who care for poisoned patients. This criterion will be considered to be met if the center continually offers information about poison center services/availability and updates on new and important advances in poisoning management to the health professionals throughout the region.**

**B. The Regional Poison Center shall provide a public education program aimed at educating both children and adults about poisoning dangers and other necessary concepts related to poison control. This criterion will be considered to be met if the center continually offers through lectures, public media (newspapers, radio, television), printed educational materials, or through other instructional modalities, information describing the following:**

1. Services and availability of the poison center.
  2. Poison prevention measures.
  3. First aid measures for poisoning management.
- This information must be offered to all parts of the region.

**VI. Association Membership**

**The applicant center must be an institutional member in good standing of the American Association of Poison Control Centers.**

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Illinois Farm Development Authority
- 2) Code Citation: 8 Ill. Adm. Code 1400
- 3) Section Numbers: Emergency Action:  
1400.145 New
- 4) Statutory Authority: 20 ILCS 3605/7
- 5) Effective Date of Amendments: April 6, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: April 6, 1999
- 8) A copy of the emergency amendment, including any material incorporated by reference, is available at the Illinois Farm Development Authority, 427 East Monroe Street, Suite 201, Springfield, Illinois.
- 9) Reason for Emergency: This amendment implements the Authority's new Interest Buy Down Program for hog operations.
- 10) A complete description of the Subjects and Issues involved: The Authority is implementing a new Interest Buy Down Program to provide assistance to hog operators who are in financial need due to low hog prices.
- 11) Are there any other proposed amendments pending on this Part: No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this emergency amendment shall be directed to:

Laura A. Lanterman  
Chief Financial Officer  
Illinois Farm Development Authority  
427 East Monroe Street, Suite 201  
Springfield, Illinois 62701  
217/782-5792

The full text of the Emergency Amendment begins on the next page.

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 8: AGRICULTURE AND ANIMALS

## CHAPTER VII: ILLINOIS FARM DEVELOPMENT AUTHORITY

## PART 1400

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## Section

1400.10 Definitions  
1400.20 Composition, Appointment and Terms of Office  
1400.30 Officers  
1400.40 Executive Director  
1400.50 Meetings  
1400.60 Quorum  
1400.70 Reimbursement  
1400.80 Rules of Order  
1400.90 Records and Reports  
1400.100 Public Participation  
1400.110 Rulemaking Procedures  
1400.120 Purchasing Rules and Regulations  
1400.130 Rules and Guidelines Applicable to All Bond Programs  
1400.140 Bond Programs and Rules Applicable to Each  
1400.145 Rules and Guidelines Applicable to the Interest

## EMERGENCY

## 1400.146

Rules and Guidelines Applicable to the Young Farmer Guarantee Program  
Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt  
Rules and Guidelines Applicable to the Specialized Livestock Guarantee Program  
Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries  
Seal  
Principal Office  
Revision  
Construction; Waiver; Severability  
ILLUSTRATION A OIALP Regions (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Farm Development Act [20 ILCS 3605] and by the Farm Credit Allocation Act [20 ILCS 3610].

SOURCE: Emergency rules adopted at 6 Ill. Reg. 9340, effective July 15, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 242, effective December 22, 1982; emergency amendment at 8 Ill. Reg. 363, effective December 27, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 8489, effective May 31, 1984; emergency amendment at 9 Ill. Reg. 8186, effective May 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 15493, effective October 1, 1985; emergency amendment at 9 Ill. Reg. 17879, effective October 31, 1985, for a maximum of 150 days; emergency expired March 21, 1986; emergency amendment at 10 Ill. Reg.

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY AMENDMENTS

2059, effective January 10, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4599, effective February 28, 1986, for a maximum of 150 days; emergency expired July 28, 1986; amended at 10 Ill. Reg. 11001, effective June 9, 1986; amended at 11 Ill. Reg. 3862, effective February 27, 1987; amended at 11 Ill. Reg. 9894, effective May 12, 1987; amended at 12 Ill. Reg. 11219, effective June 20, 1988; amended at 13 Ill. Reg. 2440, effective February 10, 1989; amended at 13 Ill. Reg. 14376, effective August 30, 1989; amended at 17 Ill. Reg. 3618, effective March 5, 1993; amended at 17 Ill. Reg. 15808, effective September 10, 1993; amended at 19 Ill. Reg. 7582, effective May 26, 1995; amended at 22 Ill. Reg. 3467, effective January 30, 1998; amended at 23 Ill. Reg. 2866, effective February 26, 1999; emergency amendment at 23 Ill. Reg. 4414, effective April 6, 1999, for a maximum of 150 days.

Section 1400.145 Rules and Guidelines Applicable to the Interest Buy Down Buydown-Program-(Repeated)  
EMERGENCY

## a)

## General Description of Program.

1) The Interest Buy Down Program (IBD), which is used in conjunction with the State Guarantee Program for Restructuring Agricultural Debt (SGP), is designed to subsidize the interest cost on loans made to pork producers.

2) The State shall pay a portion of the interest on qualifying loans under the SGP:

- A) The maximum principal amount on which the State will pay interest is \$100,000.
  - B) The State will pay the interest calculated at a rate of 2.0% up to the maximum principal amount.
  - C) Payments will be made to the Lender annually.
- b) Definitions applicable to the IBD.

"Applicant" means a farmer whose application for an Interest Buy Down in conjunction with a State Guarantee for Restructuring Agricultural Debt has been submitted to the Authority by a lender.

"Fund" means the General Revenue Fund, which will be used for Interest Buy Down payments.

"IBD" is a payment from the State of Illinois to the lender of a portion of the borrower's interest on a loan.

"Loan" is a loan made under the State Guarantee Program for Restructuring Agricultural Debt for which the State of Illinois is providing an Interest Buy Down.

c) Eligible Farmers. To qualify for participation in the IBD, the applicant must:

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY AMENDMENTS

- 1) be a resident of Illinois;
  - 2) be a principal operator of a farm that produces hogs;
  - 3) derive at least 50% of annual gross income from farming;
  - 4) have a net worth of at least \$10,000;
  - 5) meet all other requirements of the State Guarantee for Restructuring Agricultural Debt as defined in Section 147 of this Part.
- d) Eligible Lenders. To qualify for participation in the IBD, the Lender must:
- 1) agree to fix the interest rate on the loan for at least five years;
  - 2) agree not to penalize Borrower on account of receipt of an IBD from the State after the applicable anniversary date of the loan.
- e) Limitations.
- 1) The IBD shall last for five years. However, depending on the collateral, the loan may have a maturity of more than five years.
  - 2) The IBD shall be allowed on a maximum of \$100,000 of the loan balance.
  - 3) The IBD shall be available until the earlier of June 30, 1999 or when \$50 million of loans have been approved.

f) Application Procedures and Review.

- 1) Lenders shall apply for the Interest Buy Down in conjunction with an application for the State Guarantee for Restructuring Agricultural Debt on forms provided by the Authority and shall certify that the application and any other documents submitted are true and correct. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed application documents by the Authority.
- 2) Review of applications and the approval process shall be in accordance with Section 140.147 of this Part.
- 3) Upon approval of an application and receipt of the documentation necessary to prepare closing documents for the loan, a closing documents package, which includes the document to execute for the IBD, shall be prepared by the Authority and sent to the lender. Upon completion of all such forms and documents by the applicant, lender and Authority and after satisfaction of all closing requirements for the loan, the Interest Buy Down will be in effect.

- g) Payment of Interest Buy Down to Lender. After the Borrower makes his payment, the Lender shall notify the Authority of the amount due on the IBD. The Authority shall direct payment to the Lender from the Fund.

(Source: Former Section 1400.145 repealed at 22 Ill. Reg. 3467, effective January 30, 1998; new Section 1400.145 added by emergency rulemaking at 23 Ill. Reg. 4464, effective April 6, 1999, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULE

- 1) Heading of the Part: Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 508
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
508.10	New
508.20	New
508.30	New
508.40	New
508.50	New
508.60	New
508.70	New
508.80	New
508.90	New
508.100	New
508.110	New
508.120	New
508.130	New
508.140	New
508.150	New
508.160	New
508.170	New
- 4) Statutory Authority: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].
- 5) Effective Date of Amendments: April 2, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: April 2, 1999
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Filed in conjunction with Emergency rulemaking on 59 Ill. Adm. Code 50, Office of Inspector General (OIG). Provides for the hearing process referenced in 59 Ill. Adm. Code 50, OIG.
- 10) A Complete Description of the Subject and Issues Involved: This rulemaking covers all Department of Human Services hearings that are



## DEPARTMENT OF HUMAN SERVICES

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authorized by the Illinois Administrative Procedure Act. This rulemaking covers the hearings which result from the appeals of many of the Department policy review and licensure actions. Therefore many other current DHS rules are also being amended to include references to this rulemaking and to repeal outdated hearing rules. This rulemaking details the entire process to be followed from the appellant's request for a hearing through the "Final Orders" of the hearing. The process closely follows the Illinois Administrative Procedure Act and includes or allows program rules specific to some of the areas covered to be addressed.

- 11) Are there any other amendments pending on this Part: No
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Rule begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULE

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICESPART 508  
ADMINISTRATIVE HEARINGS

Section	Authority - Applicability of This Part
508.10	EMERGENCY
508.20	Definitions
508.30	EMERGENCY
508.30	Appearance - Representation by Counsel
508.40	EMERGENCY
508.40	Emergency Action
508.50	EMERGENCY
508.50	Notice and Initiation of an Administrative Hearing
508.60	EMERGENCY
508.60	Motions
508.70	EMERGENCY
508.70	Filing
508.80	EMERGENCY
508.80	Service
508.90	EMERGENCY
508.90	Prehearing Conferences
508.100	EMERGENCY
508.100	Discovery
508.110	EMERGENCY
508.110	Hearings
508.120	EMERGENCY
508.120	Subpoenas
508.130	EMERGENCY
508.130	Administrative Law Judge's Report and Recommendations
508.140	EMERGENCY
508.140	Proposal for Decision
508.150	EMERGENCY
508.150	Final Orders
508.160	EMERGENCY
508.160	Records of Proceedings
508.170	EMERGENCY
508.170	Miscellaneous
508.170	EMERGENCY

AUTHORITY: Implementing and authorized by Section 5-10(a)(1) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(1)], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative

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Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].  
SOURCE: Emergency rule adopted at 23 Ill. Reg. 4468 effective April 2, 1999, for a maximum of 150 days.

Section 508.10 Authority - Applicability of This Part  
EMERGENCY

- a) This Part on practice and procedure for administrative hearings is promulgated pursuant to Section 5-10(a)(i) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-10(a)(i)]. This Part shall apply to all administrative hearings of the Department of Human Services governed by the Department's rules at 59 Ill. Adm. Code 50 (Office of Inspector General Investigations of Alleged Abuse or Neglect and Deaths in State-Operated and Community Agency Facilities), 59 Ill. Adm. Code 115 (Standards and Licensure Requirements for Community Integrated Living Arrangements), 59 Ill. Adm. Code 117 (Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities), 59 Ill. Adm. Code 119 (Minimum Standards for Certification of Developmental Training Programs), and 59 Ill. Adm. Code 258 (Standards and Requirements for Pre-admission Screening and Participating Mental Health Centers), 77 Ill. Adm. Code 672 (WIC Vendor Management Code), 77 Ill. Adm. Code 2060 (Alcoholism and Substance Abuse Treatment and Intervention Licenses), 89 Ill. Adm. Code 527 (Recovery of Misspent Funds) and 89 Ill. Adm. Code 530 (Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs). All contested cases and licensing actions therein that are required by law to be preceded by a notice and opportunity to be heard shall be governed by this Part.
- b) Where a statute or rule prescribes certain alternative procedures or requirements for hearings, those procedures or requirements will be followed as though they were set forth in this Part. In the event there is a conflict between the statute or rule and this Part, the more specific rule or statute shall prevail.

Section 508.20 Definitions  
EMERGENCY

"Administrative Hearing" shall mean a contested case or a hearing in which the rule establishing the right to hearing references this Part.

"Administrative Law Judge" shall mean any attorney licensed to practice law in Illinois, appointed by the Secretary to preside at an administrative hearing.

"Contested Case" means an adjudicatory proceeding (not including rulemaking, rulemaking, or quasi-legislative, informational, or similar proceedings) in which the individual legal rights, duties, or

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privileges of a party are required by law to be determined by an agency only after an opportunity for a hearing [5 ILCS 100/1-30].

"Day", unless otherwise noted, shall mean a day on which the State of Illinois offices are open for business. This would exclude Saturdays, Sundays and State holidays.

"Department" shall mean the Department of Human Services, State of Illinois.

"IAPA" shall mean the Illinois Administrative Procedure Act [5 ILCS 100].

"License" means the whole or part of any Department permit, certificate, approval, registration, charter, or similar form of permission required by law [5 ILCS 100/1-35].

"Licensing" means the Department process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license [5 ILCS 100/1-40].

"Party" means the Department or each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party [5 ILCS 100/1-55] or intervenor whose petition to intervene has been granted.

"Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than the Department [5 ILCS 100/1-60].

"Petitioner" means the party who requests the hearing.

"Respondent" means the party against whom a petition is filed.

"Secretary" shall mean the Secretary or the designee of the Secretary of the Department of Human Services, State of Illinois.

"WIC Hearing" refers to a hearing under the WIC Vendor Management Act [410 ILCS 255].

Section 508.30 Appearance - Representation by Counsel  
EMERGENCY

- a) Any party to a proceeding may appear by himself or herself or may be represented by someone of the party's choosing.
- b) All persons appearing in proceedings before the Department, including a non-attorney representative, shall conform to the standards of conduct required of attorneys before the courts of Illinois. If any

## DEPARTMENT OF HUMAN SERVICES

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person does not conform to such standards, the administrative law judge may decline to permit such person to continue to appear in the proceeding.

- c) Any attorney or other person appearing before the Department as a representative of a party shall file an Appearance containing: the name of the party represented; the name, address and telephone number of the attorney or representative; an affirmative statement that the attorney is duly licensed in the State of Illinois; an affirmative statement, if representing a corporation, that the individual is duly authorized to represent the corporation; and the written signature of the attorney or representative.
- d) Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance.
- e) An attorney or other person appearing before the Department as a representative may withdraw his or her appearance and/or representation only upon motion and appropriate ruling by the administrative law judge. However, attorneys may be substituted without motion upon notice to all parties and the administrative law judge if the substitution will not delay the proceedings, a statement to that effect is contained in the notice, and a substitute Appearance form is filed concurrently with the notice.

## Section 508.40 Emergency Action

## EMERGENCY

If the Secretary finds that the public interest, safety or welfare requires emergency action, and if the Secretary incorporates a finding to that effect in an order, summary suspension of a license or authorization to conduct a particular activity may be ordered pending proceedings for revocation, termination or other actions. These proceedings shall be promptly instituted and determined. [5 ILCS 100/10-65]

## Section 508.50 Notice and Initiation of an Administrative Hearing

## EMERGENCY

- a) When the Department serves a Notice of Opportunity for an Administrative Hearing it shall contain:
  - 1) a statement of the nature of the action;
  - 2) a statement of the legal authority and jurisdiction under which the action is being initiated;
  - 3) a reference to the particular sections of the statutes and rules involved;
  - 4) allegations of noncompliance;
  - 5) a statement of the procedure for requesting an administrative hearing, including a date by which the request must be received by the Department, which must be set at least ten days after the Notice is mailed or personally served; and
  - 6) except where a more detailed statement is otherwise provided for

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by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or reference number. [5 ILCS 100/10-25]

- b) A person who receives a Notice of an Opportunity for an Administrative Hearing shall submit a written request for a hearing to the Department. The request shall be delivered or mailed to the Department at the address stated in the Notice and, if mailed, shall be postmarked no later than the date set forth in the Notice. Failure to comply with this Section shall constitute a waiver of the person's right to an administrative hearing.
- c) Upon receipt of a timely request for hearing, the Department shall issue a Notice of Administrative Hearing or Prehearing Conference. The Notice of Administrative Hearing or Prehearing Conference shall contain:
  - 1) a statement of the nature of the hearing;
  - 2) a statement of the time and place that the hearing or prehearing conference will be held;
  - 3) a statement of the legal authority and jurisdiction under which the hearing is to be held; and
  - 4) the names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the Department gives notice of the hearing, unless otherwise confidential by law. [5 ILCS 100/10-25]
- d) Amendments to the pleadings may be allowed upon proper motion at any time during the pendency of the proceedings on such terms as shall be just and reasonable.
- e) Venue shall be the location designated in the Notice of Administrative Hearing. Venue may be moved to another location upon stipulation by all parties or upon a showing to and a finding by the administrative law judge that exceptional circumstances exist, including but not limited to age, infirmity or inability to travel that make it desirable, in the interest of justice, to allow a change of venue.
- f) Computation of Time. The time within which any act under this Section is to be done shall be computed by excluding the first day and including the last day.

## Section 508.60 Motions

## EMERGENCY

- a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in this part or by a specific statute or rule, motions may seek any relief or order recognized in the Illinois Code of Civil Procedure [735 ILCS 5] and Rules of the Illinois Supreme Court and shall include a reference to the applicable section of such Code or Rules. Motions based on a matter that does not appear of record shall be supported by affidavit.
- b) Written motions shall be titled as to the party making the motion and



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the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly-titled motions: RESPONDENT'S MOTION TO DISMISS, RESPONDENT'S SECOND MOTION TO DISMISS.

- c) Motions, objections and requests for continuances and all responses shall be in writing unless made at a prehearing conference or a hearing.
- d) Motions on the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions on the pleadings shall not be granted if the pleadings are not in conformity with this Section.
- e) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn a final order or decision issued by the Secretary.
- f) Motions for a continuance shall be granted only for good cause shown. With the exception of an emergency, motions for a continuance shall be in writing and filed at least 7 days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and shall contain statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed. After one continuance has been granted to a party additional continuances may be granted to that party only if:
  - 1) a hearing on the issue of whether or not to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance;
  - 2) there is an emergency; or
  - 3) all parties so stipulate.

- g) Whenever possible, as much of the hearing as possible shall be completed and only those matters that must be continued shall be continued.
- h) If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within 3 days by the filing of a written motion.

- i) At any time prior to the issuance of the administrative law judge's recommended decision, the party may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Such motion shall be made in writing to the administrative law judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The administrative law judge's employment, or contract as an administrative law judge, by the Department is not, in and of itself, a conflict of interest. The appeal shall be suspended until the administrative law judge rules on

## DEPARTMENT OF HUMAN SERVICES

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the motion. The administrative law judge may decide to disqualify himself/herself if a determination of bias or conflict of interest exists or may decide that the appeal should be denied. If the motion is granted the Secretary shall appoint a new administrative law judge.

- j) Demands for a Bill of Particulars shall not be allowed.

## Section 508.70 Filing

## EMERGENCY

- a) All pleadings, written motions, or notices filed in the administrative proceedings shall be dated and signed by the party filing the paper or his or her attorney or representative.
- b) Pleadings, written motions, and notices shall contain the address of the party filing the paper or, if represented by an attorney or other representative, the name and business address and telephone number (including area code) of such attorney or representative.
- c) Motions and notices may be filed by facsimile, but the original must also be mailed on the same day.

## Section 508.80 Service

## EMERGENCY

- a) Notices under Section 508.50(a) shall be served either personally or by certified mail upon all parties or their agents appointed to receive service of process unless the applicable statute or rule requires a different form of service, in which case service shall conform to the statute or rule.
- b) Service to the last official address of a party, or agent provided to the Department by a party, shall be considered in compliance with this Section. Notices sent by certified mail to that address and that have been returned to the Department as unclaimed or refused by the addressee shall be considered served. For purposes of this Section, the "last official address" shall be: the address listed on the most recent application submitted to the Department, unless the Department has been subsequently notified in writing of a change of address.
- c) Service of pleadings or motions under this Part, unless otherwise provided for, shall be made by delivering in person or by depositing with the United States Postal Service, properly addressed with postage prepaid, one copy to each party to the proceedings. When any party has appeared by attorney, service upon the attorney shall be deemed service upon such party. All pleadings or motions under this Part shall also be served upon the administrative law judge.
- d) Proof of service under subsection (b) of this Section shall be by certificate of attorney, affidavit or acknowledgment.

## Section 508.90 Prehearing Conferences

## EMERGENCY

## DEPARTMENT OF HUMAN SERVICES

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- a) A prehearing conference may be scheduled by the administrative law judge or department at their discretion or as a result of a request pursuant to subsection (b) of this Section. This conference shall be for the purpose of considering:
  - 1) the simplification of the issues;
  - 2) amendments to the pleadings;
  - 3) the possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof;
  - 4) limitation of the number of expert witnesses; and
  - 5) any other matters that may aid in the disposition of the hearing.
- b) In any proceedings under this Section in which the Department has not scheduled a prehearing conference, any party to the proceedings may request the scheduling of a prehearing conference. Such request must be made in writing and received by the administrative law judge at least 5 days prior to the scheduled hearing date. The requesting party shall serve all other parties to the proceedings with a copy of the request.
- c) Upon the receipt of a request for a prehearing conference in accordance with subsection (b) of this Section, the administrative law judge shall schedule the prehearing conference and notify all parties of the date, time and place of the conference.
- d) After a prehearing conference, the administrative law judge shall make a report to all parties that recites any action taken by the administrative law judge and any agreements made by the parties as to any of the matters considered.
- e) Any party may request additional prehearing conferences. The administrative law judge, in his or her discretion, may deny or grant such a request.
- f) A certified stenographic reporter (court reporter) will not be present at a prehearing conference unless one of the parties to the proceeding requests the Department to make such arrangements. The Department must receive such a request at least two days in advance of the scheduled prehearing conference. The party requesting the presence of the court reporter shall be billed directly for the fee of the reporter.
- g) The Department shall appoint a sign or language interpreter upon request. An interpreter must be able to communicate with the person for whom the interpreter was requested and must take an oath or affirmation to make a true interpretation in an understandable manner and convey the statements of the person to the best of the interpreter's skill.

## Section 508.100 Discovery

## EMERGENCY

- a) At least 7 days prior to the commencement of the hearing, each party shall provide all other parties with a copy of any document that it intends to offer into evidence. This subsection does not apply to

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- b) documents already provided by the Department under this Part.
- c) At least 7 days prior to the commencement of the hearing, each party shall provide all other parties with a list containing the name and address of any witness who may be called to testify.
- d) All parties shall be entitled to any exculpatory evidence in the other party's possession that tends to support the opponent's position or that might impeach the credibility of the party's own witness. Such documentation shall be produced at least 7 days prior to the hearing.
- e) Upon a written request by the Department, at any time after a notice or hearing request is filed, or at any stage of the hearing, a party shall be required to produce within 7 days documents, books, records, or other evidence that relates directly to the conduct of the business entity that is the subject of the administrative hearing.
- f) All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional requests.
- g) There shall be no depositions for discovery purposes or interrogatories allowed in any proceedings brought pursuant to this Part, except for good cause as determined by the administrative law judge. Evidentiary depositions of material witnesses shall be allowed by the administrative law judge for good cause, including but not limited to age, infirmity, or inability to travel.
- h) Requests to Admit Facts and Genuineness of Documents shall be allowed in accordance with Supreme Court Rule 216.
- i) Nothing contained in this Section shall preclude the parties from agreeing to the voluntary exchange of more information than is required.
- j) A request for discovery shall be considered an appearance by the party.

## Section 508.110 Hearings

## EMERGENCY

- a) Except for hearings under 59 Ill. Adm. Code 50, 115, 117, 119, and 120, all hearings conducted in any proceedings shall be open to the public subject to individual rights to confidentiality.
- b) Hearings will be conducted by the Secretary or by an administrative law judge appointed by the Secretary. If the Secretary conducts the hearing, any reference in this Part to the administrative law judge shall be read to refer to the Secretary.
- c) The administrative law judge shall conduct hearings; administer oaths; issue subpoenas; hold informal conferences for the settlement, simplification, or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; and rule upon the admissibility of evidence.
- d) The administrative law judge shall direct all parties to enter their appearances on the record.



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- e) Written opening arguments and written closing arguments shall not be permitted unless all parties so stipulate or the administrative law judge so directs.
- f) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any administrative hearing by stipulation, agreed settlement, consent order, default, or motion.
- g) At any stage of the hearing or after all parties have completed the presentation of their evidence, the administrative law judge may call for further testimony, subject to cross-examination by the parties.
- h) *The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. However, evidence not admissible under those rules of evidence may be admitted (except where precluded by statute or rule) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Immaterial, irrelevant, or unduly repetitious material shall be excluded. A copy of the whole or any part of an admissible book, record, paper, or memorandum of the Department that is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. Objections to evidentiary offers may be made and shall be noted in the record. Cross-examination of each witness shall be allowed.*
- i) *Official notice may be taken of matters of which circuit courts of this State may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence. [5 ILCS 100/10-40]*
- j) Absent a showing of good cause, no document shall be offered into evidence that was not disclosed in accordance with the requirements in Section 508.100(a), and no witness shall testify whose name was not provided pursuant to Section 508.100(b). For purposes of this subsection, a showing of good cause shall mean that a party, through no fault of its own, did not have knowledge of a document to be offered into evidence or the name of a witness within the timeframe necessary for compliance with Section 508.100(a) and (b).
- k) The Department will arrange for audio or video taping or for a certified stenographic reporter (court reporter) to make a stenographic record of the hearing in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. There shall be

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- no audio or video taping apart from any made by the certified stenographic reporter employed for those purposes by the Department without the express consent of the administrative law judge and all parties to the hearing.
- l) Corrections to the transcript of the hearing may be made by the Secretary or administrative law judge who heard the matter.
- m) If a party, or any person at the direction of or in collusion with a party, violates any ruling or order of the administrative law judge, the administrative law judge, on motion, may enter such orders as are just, including, among others, the following:
- 1) that further proceedings be stayed until the order or rule is complied with;
  - 2) that the offending party be barred from filing any other pleadings relating to any issue to which the refusal or failure relates;
  - 3) that the offending party be barred from maintaining any particular claim or defense relating to that issue;
  - 4) that a witness be barred from testifying concerning that issue;
  - 5) that, as to claims or defenses asserted in any pleading to which that issue is material, an order of default be entered against the offending party or that the offending party's pleading be dismissed without prejudice; or
  - 6) that any portion of the offending party's pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to the issue.
- n) At any time, the administrative law judge may order the removal of any person from the hearing room who is creating a disturbance or engaging in conduct that disrupts the hearing.
- o) At the request of any party, the administrative law judge may exclude all witnesses from the hearing room, except that each party or a representative of a party, in addition to legal counsel, shall be allowed to remain.
- p) When it is impractical for the parties, witnesses or administrative law judge to appear in the same site for a hearing, testimony may be taken by telephonic means, interactive video conferencing, or any other means, at the discretion of the administrative law judge. If a hearing is to be conducted by such means, the notice shall so inform the parties and include instructions for providing any necessary telephone numbers. The in-person presence of some parties or witnesses at the hearing shall not prevent the participation of other parties or witnesses. A party to such a hearing must submit to the administrative law judge at least 7 days before the date of the scheduled hearing any documents that are intended to be introduced at the hearing. Copies of the documents must also be provided to any other party prior to the date of the scheduled hearing. All documents submitted to the administrative law judge will be identified on the record.
- q) The applicable burden of proof shall be determined by the regulation



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establishing the right to hearing. If the regulation establishing the right to a hearing is silent concerning the burden of proof, such burden shall be a preponderance of the evidence. [5 ILCS 100/10-15]

r) Failure of a party to appear at the administrative hearing at the time the hearing is scheduled will result in a dismissal of the contested case.

s) If a party fails to appear and the hearing is dismissed, that party may request a rehearing of the contested case from the administrative law judge. Requests for reinstating the contested case must be filed no later than 10 days after the date of the notice of dismissal. Based on the statements in the request and the facts of the record, the administrative law judge shall:

- 1) Grant the request if the request meets the requirements of this subsection (s) and schedule a hearing with notice to all parties, including a copy of the request; or
- 2) Deny the request, if the request fails to meet the requirements of this subsection (s), and issue a written decision setting forth the reasons for the denial. In such cases, if an adverse decision on the merits was issued, a timely appeal to the denial of a timely request for a rehearing shall also constitute a timely appeal on the merits of the matter.

## Section 508.120 Subpoenas

## EMERGENCY

a) The administrative law judge may issue a subpoena to compel the attendance of a witness or the production of documents when such witness or such documents contain relevant evidence but the evidence is not being presented by the party, witness or holder of the document. A party may also request the administrative law judge to issue a subpoena to compel the attendance of a witness or the production of documents. The request shall be either in writing or on the record and shall:

- 1) Identify the witness or document sought; and
- 2) State the facts that will be proven by each witness or document sought.

b) The administrative law judge shall grant or deny the request, either in writing or on the record. If the request for a subpoena is granted, the administrative law judge shall, if necessary, reschedule the hearing to a specific date. The request for a subpoena shall be denied only if the administrative law judge finds that the evidence sought is immaterial, irrelevant or cumulative. If the request for subpoena is denied, the administrative law judge shall proceed to conduct the hearing, and the specific reasons for denial of the request for subpoena shall be made part of the record of the appeal.

c) If a witness fails to obey a subpoena, the party seeking enforcement of the subpoena shall prepare application to the circuit court of the county in which the subpoenaed witness resides requesting enforcement

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of the subpoena, and shall present the application to the administrative law judge. If satisfied that the subpoena was properly served and that the application is in proper form, the administrative law judge shall sign the subpoena, or the attorney of the party seeking the subpoena may then file and prosecute the application to the circuit court. In such instance, that matter shall be continued pending the outcome of enforcement of the subpoena.

d) The witness fee for attendance and travel shall be the same as the fee of witnesses before the circuit courts of this State. When a witness is subpoenaed by the administrative law judge upon his or her own motion or upon the request of the Department, the witness fee shall be paid in the same manner as other expenses of the Department.

## Section 508.130 Administrative Law Judge's Report and Recommendations

## EMERGENCY

a) At the conclusion of a hearing at which the Secretary has not presided, the administrative law judge shall make a written report of the hearing, with his or her findings of fact and conclusions of law and his or her recommendations, if any, to the Secretary. However, in a hearing under Section 45-25 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/45-25], the report shall only summarize the testimony presented at hearing and the administrative law judge's opinion about the reliability of the witnesses. The administrative law judge shall complete the decision within 30 days after the close of the hearing.

b) The Secretary or appropriate DHS staff must receive a copy of the decision, and the petitioner's copy must be mailed by certified mail. The report shall be accompanied by the audio or video recording or a transcript of the proceedings, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material that is deemed to be a part of the record.

## Section 508.140 Proposal for Decision

## EMERGENCY

a) When the Secretary has not heard the administrative hearing or read the record and his or her final decision would be adverse to any party other than the Department, a proposal for decision shall be served upon all parties to the proceedings. The proposal for decision shall contain:

- 1) A statement of the reasons for the proposed decision;
  - 2) A statement of each issue of fact or law necessary to the proposed decision.
- b) The proposed decision shall be prepared by the persons who conducted the hearing or one who has read the record.
- c) Any party adversely affected by the proposed decision shall have 20

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days from the receipt of the proposal for decision in which to file written exceptions and a brief. [5 ILCS 100/10-45] Failure to file written exceptions and a brief in the time provided for in the proposal for decision shall be deemed a waiver of the right to file exceptions and a brief. The Department shall have 10 days to respond to the exceptions or brief.

- d) The proposal for decision shall be served on all parties personally or by certified mail.
- e) The Secretary in his or her discretion may provide for oral arguments on the proposal for decision. If oral arguments are allowed, they shall be scheduled as convenient to the Secretary.

**Section 508.150 Final Orders****EMERGENCY**

- a) A written Final Order shall be issued in every administrative hearing. A final order shall include findings of fact and conclusions of law, separately stated. All final orders shall specify whether they are final and subject to the Illinois Administrative Review Law [735 ILCS 5/Art. III] and any applicable licensing statute.
- b) A final order shall be served on parties or their agents appointed to receive service of process either personally or by registered or certified mail. [5 ILCS 100/10-50]

**Section 508.160 Records of Proceedings****EMERGENCY**

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
  - 1) all pleadings (including all notices and responses thereto), motions, and rulings;
  - 2) a transcript of the hearing, if any, and all evidence received;
  - 3) a statement of matters officially noticed;
  - 4) any offers of proof, objections and rulings thereon;
  - 5) any proposed findings and exceptions;
  - 6) any decision, opinion, or report by the administrative law judge;
  - 7) all staff memoranda or data submitted to the administrative law judge or members of the Department in connection with their consideration of the administrative hearing; and
  - 8) any communication prohibited by Section 10-60 of the IAPA [5 ILCS 100/10-60]. No such communication shall form the basis for any finding of fact.
- b) The record shall also contain the following:
  - 1) Subpoenas;
  - 2) Requests for Subpoenas;
  - 3) Cover letters;
  - 4) Notices of Filing;
  - 5) Certificates of Mailing for regular mail and return receipts for

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- certified mail; and
- 6) Discovery Requests.
- c) The Department shall be the official custodian of the records of administrative hearings held before the Department.

**Section 508.170 Miscellaneous****EMERGENCY**

- a) Ex Parte Consultation. Except in the disposition of matters that the Department is authorized by law to entertain or dispose of on an ex parte basis, the administrative law judge or Secretary shall not, after notice of hearing, communicate directly or indirectly, in connection with any other issue of fact, with any person or party, his or her representative, or any person interested in the outcome of the proceeding, except upon notice and opportunity for all parties to participate. However, a Department member may communicate with other members of the Department or the administrative law judge may have the aid and advice of one or more personal assistants.
  - 1) An ex parte communication received by any Department employee or the administrative law judge shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received.
  - 2) Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications under this Part. [5 ILCS 100/10-60]
- b) Construction of Rules. In case of any conflict between this Part and the IAPA [5 ILCS 100] or a specific licensing statute, the terms of the latter shall control.
- c) Conflict of Authority. If the hearing is being conducted pursuant to federal law and there is a conflict between this Part and federal procedural or evidentiary requirements, then the federal requirements shall control.
- d) Waiver. Compliance with any or all of the provisions of this Part or with any or all provisions of the IAPA regarding a contested case may be waived by written stipulation of all parties. [5 ILCS 100/10-70]

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1) Heading of the Part: Administrative Law Judges

2) Code Citation: 2 Ill. Adm. Code 1027

3) Section Numbers: Emergency Action:  
1027.10 Amendment

4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104], Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 10-20 of the Illinois Administrative Procedure Act [20 ILCS 1705/10-20].

5) Effective Date of Amendments: April 2, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: April 2, 1999

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Filed in conjunction with Emergency rulemaking on 59 Ill. Adm. Code 50, Office of Inspector General (OIG). Provides for the hearing process referenced in 59 Ill. Adm. Code 50, OIG.

10) A Complete Description of the Subject and Issues Involved: This rulemaking is part of the Department of Human Services effort to consolidate all hearings covered by the Illinois Administrative Procedure Act. This rule covers the Office of Mental Health "Administrative Law Judges". The new Administrative Hearings rule 89 Ill. Adm. Code 508 now covers the hearings that result from appeals of agencies and persons impacted by this rule. This rulemaking amends Section 1027.10 to eliminate a reference within the current rule to Sections now covered by Part 508. Section 1027.10 will still apply to hearings held within the Office of Mental Health and the Office of Developmental Disabilities.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding this amendment shall be directed to:

## DEPARTMENT OF HUMAN SERVICES

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Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

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TITLE 2: GOVERNMENTAL ORGANIZATIONS  
 SUBTITLE D: CODE DEPARTMENTS  
 CHAPTER XIV: DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

PART 1027  
 ADMINISTRATIVE LAW JUDGES

Section  
 1027.10 Qualifications  
EMERGENCY

**AUTHORITY:** Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104], Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 10-20 of the Illinois Administrative Procedure Act [5 ILCS 100/10-20].

**SOURCE:** Adopted at 16 Ill. Reg. 11445, effective June 30, 1992; transferred from the Department of Mental Health and Developmental Disabilities to the Department of Human Services by PA 89-507; emergency amendment at 23 Ill. Reg. 4485 effective April 2, 1999, for a maximum of 150 days.

Section 1027.10 Qualifications  
EMERGENCY

**Administrative All-administrative** law judges conducting hearings in accordance with the Department's rules at 59 Ill. Adm. Code 103, 106, §§37-1157-1177--1197 120 or 132 shall have the following minimum qualifications:

- a) Five years experience in government management or in the provisions of mental health or developmental disabilities services. The five years may be any combination of both types of experience; or
- b) Successful completion of a course of study on administrative law at the undergraduate, graduate or postgraduate level and two or more years experience in government management or in the provision of mental health or developmental disabilities services; or
- c) Six months to one year's experience as a full-time administrative law judge or the equivalent part-time experience and one or more years experience in government management or in the provision of mental health or developmental disabilities services; or
- d) One or more years experience as a full-time administrative law judge or the equivalent part-time experience; or
- e) A law degree from an accredited law school; or
- f) A current license to practice law in the State of Illinois.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 2, 1999, for a maximum of 150 days)

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- 1) Heading of the Part: Alcoholism and Substance Abuse Treatment and Intervention Licenses

- 2) Code Citation: 77 Ill. Adm. Code 2060

- 3) Section Numbers: Emergency Action:  
 2060.341 Amended

- 4) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

- 5) Effective Date of Amendments: April 2, 1999

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date filed with the Index Department: April 2, 1999

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: Filed in conjunction with Emergency rulemaking on 59 Ill. Adm. Code 50, Office of Inspector General (OIG). Provides for the hearing process referenced in 59 Ill. Adm. Code 50, OIG.

- 10) A Complete Description of the Subject and Issues Involved: This rulemaking is part of the Department's effort to consolidate all hearings covered by the Illinois Administrative Procedure Act. This rule is being partially replaced by 89 Ill. Adm. Code 508 "Administrative Hearings." Some requirements specific to this program are being maintained. These are detailed in this amendment.

- 11) Are there any other amendments pending on this Part? Yes

- Section Numbers Proposed Action Illinois Register Citation  
 2060.217 Amendment 1/29/99 23 Ill. Reg. 1206

- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate

- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
 Bureau Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East

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3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER X: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: LICENSURE

PART 2060  
ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT  
AND INTERVENTION LICENSES

## SUBPART A: GENERAL REQUIREMENTS

Section  
2060.101 Applicability  
2060.103 Incorporation by Reference and Definitions

## SUBPART B: LICENSURE REQUIREMENTS

Section  
2060.201 Types of Licenses  
2060.203 Off-Site Services  
2060.205 Unlicensed Practice  
2060.207 Organization Representative  
2060.209 Ownership Disclosure  
2060.211 License Application Forms  
2060.213 License Application Fees  
2060.215 Period of Licensure  
2060.217 License Processing/Review Requirements  
2060.219 Renewal of Licensure  
2060.221 Change of Ownership/Management  
2060.223 Dissolution of the Corporation  
2060.225 Relocation of Facility  
2060.227 License Certificate Requirements

## SUBPART C: REQUIREMENTS - ALL LICENSES

Section  
2060.301 Federal, State and Local Regulations and Court Rules  
2060.303 Rule Exception Request Process  
2060.305 Facility Requirements  
2060.307 Service Termination/Record Retention  
2060.309 Professional Staff Qualifications  
2060.311 Staff Training Requirements  
2060.313 Personnel Requirements and Procedures  
2060.315 Quality Improvement  
2060.317 Service Fees  
2060.319 Confidentiality - Patient Information  
2060.321 Confidentiality - HIV Antibody/AIDS Status  
2060.323 Patient Rights

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2060.325 Patient/Client Records  
 2060.327 Emergency Patient Care  
 2060.329 Referral Procedure  
 2060.331 Incident and Significant Incident Reporting  
 2060.333 Complaints  
 2060.335 Inspections  
 2060.337 Investigations  
 2060.339 License Sanctions  
 2060.341 License Hearings  
EMERGENCY

## SUBPART D: REQUIREMENTS - TREATMENT LICENSES

Section  
 2060.401 Levels of Care  
 2060.403 Court Mandated Treatment  
 2060.405 Detoxification  
 2060.407 Group Treatment  
 2060.409 Patient Education  
 2060.411 Recreational Activities  
 2060.413 Medical Services  
 2060.415 Infectious Disease Control  
 2060.417 Patient Placement  
 2060.419 Assessment for Treatment Planning  
 2060.421 Treatment Plans  
 2060.423 Subsequent Patient Placement  
 2060.425 Progress Notes  
 2060.427 Discharge

## SUBPART E: REQUIREMENTS - INTERVENTION LICENSES

Section  
 2060.501 General Requirements  
 2060.503 DUI Evaluation  
 2060.505 DUI Risk Education  
 2060.507 Designated Program  
 2060.509 Recovery Homes

AUTHORITY: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

SOURCE: Adopted at 20 Ill. Reg. 13519, effective October 3, 1996; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 23 Ill. Reg. 4400, effective April 2, 1999, for a maximum of 150 days.

SUBPART C: REQUIREMENTS - ALL LICENSES

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## NOTICE OF EMERGENCY AMENDMENT

## Section 2060.341 License Hearings

EMERGENCY

- a) Hearings conducted pursuant to Section 45-25 [20 ILCS 301/45-25] of the Act shall follow the procedures set forth in 89 Ill. Adm. Code 508 and this Section.
- b) Any organization receiving a "Notice of an Opportunity for Hearing" shall file a request for such hearing within 30 calendar days after the date of notice or the hearing rights afforded under this Act shall be deemed waived.
- c) Both the burden of going forward with evidence and the burden of proof rest with the party requesting a hearing. The burden of proof is to show by preponderance of the evidence that the Department's decision is contrary to the evidence on the record when taken as a whole.
- d) Hearing Officer Report
- 1) Within 30 calendar days after the conclusion of the hearing, the hearing officer shall deliver a report of the hearing to the Secretary.
  - 2) All exhibits, pleadings, documents, or other material made a part of the record will accompany the report.
  - 3) The report will summarize the testimony presented at the hearing and the hearing officer's opinion about the reliability of the witnesses.

## a) Applicability

This Section shall apply to all hearings conducted by the Department pursuant to Section 45-25 of the Act, in case of a conflict between the provisions of this Section and the Illinois Administrative Procedure Act [5 ILCS 100], the provisions of the Illinois Administrative Procedure Act shall apply.

## b) Parties

The parties to a hearing are:

- 1) the Department, and
- 2) the applicant or license holder who is afforded an opportunity for hearing or who requests a hearing in accordance with requirements specified in this Section.

## c) Hearing Officer

- 1) A hearing officer shall conduct the proceedings.
- 2) The hearing officer shall be an attorney licensed to practice law in the State of Illinois or the Secretary with the mutual consent of both parties.

## d) Representation

- 1) A party may be represented by an attorney at law who is licensed to practice law in the State of Illinois and who has filed an appearance with the Department.
- 2) Each party to a proceeding shall inform the Department of the address to which notices or other documents should be directed, as different from the address indicated in Department records.



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## e) Form of Papers

- 1) All papers filed in any proceeding shall be typewritten or printed on paper which does not exceed 8 1/2 by 11 inches with margins not less than one inch wide. Typing or printing shall be on one side of the paper only.

- 2) All papers filed with the Department shall be filed in triplicate.

## f) Pleadings

- 1) Pleadings shall contain the address of the party filing the pleading or the address of his or her attorney.
- 2) All pleadings filed with the Department shall be filed in triplicate.
- 3) The Department's "Notice of an Opportunity for Hearing" shall contain:

- A) a statement of the nature of the hearing;
- B) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- C) a reference to particular Sections of the statutes and rules involved;

- B) a brief statement of the matters asserted; and
- B) a statement of the time and place that the hearing will be held if a timely request is made.

- 4) Any organization receiving a "Notice of an Opportunity for Hearing" shall file a request for such hearing within 30 calendar days after the date of the notice or the hearing rights afforded under the Act shall be deemed waived.

- 5) A request for hearing shall be filed with the Secretary either by personal service or by certified or registered mail.

- 6) Upon receipt by the Department of a timely and properly filed request for hearing, the hearing will be scheduled to commence within a reasonable time period.

- 7) A "Notice of Hearing" which contains the information required by Section 10-25 of the Illinois Administrative Procedure Act (5 ILCS 100/10-25), will be sent to the parties at least ten calendar days prior to the scheduled hearing date.

- 8) Pleadings may be amended at any time prior to hearing and may be amended at any time thereafter unless the hearing officer determines that amendment of the pleadings would cause delay in disposing of the issues of the case.

## g) Motions

- 1) Motions unless made during a hearing shall be in writing, shall specify the relief or order sought, and shall be served on all parties.

- 2) Responses to written motions shall be in writing, unless made during a hearing.

- 3) Motions and responses to motions shall be filed with the hearing officer.

- 4) Motions or responses to motions which allege facts not in the

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record shall be accompanied by supporting affidavit.

- 5) Whenever a motion or a response to motion requests that relief be granted, specific authority shall be cited under which the hearing officer is empowered to grant such relief.

- 6) Oral argument on motions shall be allowed only if the hearing officer deems it necessary for a fuller understanding of the issues presented.

## h) Discovery

- 1) The Secretary or the hearing officer shall, upon request, cause depositions of material witnesses within the State to be taken in the manner prescribed by Supreme Court Rules 201-212 (735 ILCS 5/201-212), and to that end compel the attendance of witnesses and the production of books, papers, or memoranda.

- 2) All evidence which forms the basis of the Department's proposed action which would be adverse to any party other than the agency will be made a part of the record and disclosed to the parties prior to the hearing.

## i) Service

- 1) All required notices shall be served either by personal service or by certified or registered mail.

- 2) The official address for service on the Department is 100 West Randolph, Suite 5-600, Chicago, Illinois 60601.

## j) Prehearing Conference

- 1) Prior to commencement of the hearing, the hearing officer shall conduct a prehearing conference for the purpose of the conference is for:

- A) identification of contested issues;
- B) the exchange of evidence to be presented in written form;
- C) identification of issues which may be resolved by stipulation; and

- B) consideration of any other matter which may aid in the efficient disposition of the case.

- 2) Both party may elect to have a court reporter present during the prehearing conference. If no reporter is present, a written memorandum summarizing the discussions shall be prepared by the hearing officer and made a part of the official record of the case.

## k) Conduct of Hearing

- 1) A full and complete record of the hearing shall be kept by the Department. The record shall include:

- A) all pleadings, notices, responses, motions, and rulings;
- B) evidence received;
- C) a statement of any matters officially noticed;

- B) offers of proof, objections, and rulings thereon;

- B) proposed findings and exceptions;

- B) hearing officer report;

- B) all staff memoranda or data submitted to the hearing officer in connection with the case; and

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- 1) any communication prohibited as an ex parte consultation, as defined by Section 10-60 of the Illinois Administrative Procedure Act (5 ILCS 100/10-60), but such communications shall not form the basis for any findings of fact;
- 2) All testimony shall be reported but need not be transcribed at the Department's expense unless the decision is appealed in accordance with the Administrative Review law (735 ILCS 5/Art. III);
- 3) Both the burden of going forward with evidence and the burden of proof rest with the party requesting a hearing. The burden of proof is to show by a preponderance of evidence that the Department's decision is contrary to the evidence on the record when taken as a whole; the decision is arbitrary or capricious or the decision is contrary to law.
- 4) All parties to the hearing shall be permitted to present testimony, offer evidence, cross-examine witnesses, and present argument;
- 5) The hearing officer shall be authorized to conduct the hearing, administer oaths, issue subpoenas to compel testimony or production of documents, hold conferences for clarification of contested issues or for settlement, rule on motions, grant continuances as may be necessary, call or examine witnesses, and take such other actions as may be necessary to fairly and expeditiously provide the parties with an opportunity to be heard;
- 6) The hearing officer is not authorized to dispose of a case although disposition may be made of any contested issue by stipulation. Disposition of the entire case may also be made by stipulation, agreed settlement, consent order or default.
- 7) Continuances and extensions of time shall be granted by the Secretary or hearing officer for good cause shown. Good cause is a bonafide reason on the part of the Department or any party to the hearing which would prevent the hearing from being held or completed as scheduled (e.g., illness of a party or an immediate family member, unavailability of counsel);
- 8) In contested cases, the rules of evidence and rules for taking official notice will be as contained in Section 10-40 of the Illinois Administrative Procedure Act (5 ILCS 100/10-40);
- 1) Hearing Officer Report
- 1) Within 30 calendar days after the conclusion of a hearing, the hearing officer shall deliver a report of the hearing to the Secretary;
- 2) All exhibits, pleadings, documents, or other material made a part of the record will accompany the report;
- 3) The report will summarize the testimony presented at the hearing and the hearing officer's opinion regarding the reliability of the witness;
- m) Proposal for Decision

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- 1) When the Secretary has not read the record, the decision, if adverse to a party other than the agency, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and to present a brief;
- 2) The proposal for decision is prepared by one who has read the record and shall be approved by the Secretary for dissemination to the parties;
- 3) The proposal for decision shall contain a statement of the reasons for the proposal and of each issue of fact or law necessary to the proposed decision;
- 4) Exceptions and briefs shall be filed within 30 calendar days after the date of the proposal for decision;
- 5) Oral argument on issues presented in the exceptions and brief is not permitted;
- n) Final Decision
- 1) A final decision in a contested or uncontested case shall be in writing and shall include findings of fact and conclusions of law separately stated;
- 2) Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings;
- 3) Parties or their agents appointed to receive service of process shall be notified either personally or by registered or certified mail of any decision;
- 4) The final decision may impose an administrative warning, a financial penalty, probation, suspension, revocation or denial of licensure;

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 2, 1999, for a maximum of 150 days)

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1) Heading of the Part: Medicaid Community Mental Health Services Program

2) Code Citation: 59 Ill. Adm. Code 132

3) Section Numbers: Emergency Action:

132.70

Amended

132.91

Amended

4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

5) Effective Date of Amendments: April 1, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date filed with the Index Department: April 1, 1999

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: This rulemaking implements corrective action intended to prevent abuse and neglect of clients served by community service agencies as cited by a recent federal audit.

10) A Complete Description of the Subject and Issues Involved: This rulemaking requires community providers to check the Department of Public Health's Nurse Aide Registry for substantiated findings of abuse or neglect before hiring staff. It also prohibits the agencies from hiring an individual with such substantiated findings.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate

13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:



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TITLE 59: MENTAL HEALTH  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

## PART 132

MEDICAID COMMUNITY MENTAL  
HEALTH SERVICES PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section	Purpose	Community	Mental	Health
132.10	Incorporation by Reference			
132.15	Clients' Rights and Confidentiality			
132.20	Definitions			
132.25	Application and Certification Process			
132.30	Recertification and Reviews			
132.35	Certification for Additional Medicaid Services and/or New Site(s)			
132.40	Suspension of Certification			
132.45	Termination of Certification			
132.50	Certification Appeal Criteria and Process			
132.55	Rate Setting			
132.60				

## SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section	Organizational Structure
132.65	Personnel and Administrative Recordkeeping
132.70	
<u>EMERGENCY</u>	
132.75	Program Evaluation
132.80	Fiscal and Statistical
132.85	Recordkeeping
132.90	Provider Site(s)
132.91	Accreditation
<u>EMERGENCY</u>	

## SUBPART C: UTILIZATION REVIEW AND CONTINUITY OF SERVICES

Section	Utilization Review
132.95	Clinical Records
132.100	Continuity and Coordination of Services
132.105	Availability of Services (Repealed)
132.110	

## SUBPART D: CLINIC SERVICES

Section	Provisions
132.115	

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132.120	Service Needs Evaluation
132.125	Treatment Plan Development and Modification
132.130	Psychiatric Treatment
132.135	Crisis Intervention
132.140	Day Treatment

## SUBPART E: REHABILITATIVE SERVICES

Section	Provisions
132.145	Rehabilitative Mental Health Services
132.150	Family Intervention, Stabilization and Reunification Services
132.155	

## SUBPART F: CASE MANAGEMENT SERVICES

Section	Provisions
132.160	Mental Health Case Management Services
132.165	Rehabilitative Case Management
132.170	

APPENDIX A	Medicaid Components	Community Mental Health Services	Application
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## APPENDIX B

## TABLE A Mental Health Clinic Program Client Services

## TABLE B Rehabilitative Mental Health Services

## TABLE C Family Intervention, Stabilization and Reunification Services

**AUTHORITY:** Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

**SOURCE:** Emergency rules adopted at 16 Ill. Reg. 211, effective December 31, 1991, for a maximum of 150 days; new rules adopted at 16 Ill. Reg. 9006, effective May 29, 1992; amended at 18 Ill. Reg. 15593, effective October 5, 1994; emergency amendment at 19 Ill. Reg. 9200, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16178, effective November 28, 1995; amended at 21 Ill. Reg. 8292, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 21870, effective December 1, 1998; emergency amendment at 23 Ill. Reg. 449, effective April 1, 1999, for maximum of 150 days.

## SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section 132.70 Personnel and administrative recordkeeping  
EMERGENCY

- a) The provider shall have a comprehensive set of personnel policies and

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procedures that include but are not limited to:

- 1) Job descriptions and qualifications, including but not limited to documentation of current licensure, and certification shall be maintained for all staff, including physicians who are employed either directly or by contract by the provider or by an agency subcontracting with the provider or program.
- 2) Providers shall assure in writing that staff providing or supervising services pursuant to this Part meet the staff qualifications defined in this Part, and that their individual performance is evaluated no less frequently than once every twelve months.
- 3) Providers shall have documentation that they have written personnel policies concerning the hiring, evaluating, and disciplining (including terminating) of staff.
- b) The provider shall document that it provides directly or indirectly for development and continuing education activities of its employees which broaden their existing knowledge in the field of mental health and related areas.
- c) An agency shall not employ a person in any capacity until the agency has inquired of the Department of Public Health as to information in the Nurse Aide Registry concerning the person. If the Registry has information substantiating a finding of abuse or neglect against the person, the agency shall not employ him or her in any capacity.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 440, effective April 1, 1999, for a maximum of 150 days)

**Section 132.91 Accreditation****EMERGENCY**

- a) The Department shall grant deemed status to providers having a contract with the Department and demonstrating current accreditation status under any of the standards of the following accrediting organizations:

- 1) 1997 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);
- 2) 1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);
- 3) 1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);
- 4) Council on Accreditation 1997 Standards for Behavioral Health Care and Community Support and Educational Services (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996);

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- 5) Outcome Based Performance Measures (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1993);
- 6) Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996); or
- 7) Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996).
- b) "Deemed status" means that if a provider has been accredited by any of the accrediting organizations identified in subsections (a)(1) through (a)(7) of this Section, the Department shall deem the provider to be in substantial compliance for the programs the Department funds for the following Sections of this Part:
  - 1) Section 132.65;
  - 2) Section 132.70(a) and (b);
  - 3) Section 132.75;
  - 4) Section 132.85(a)(1), (b), (d)(3) through (d)(5) and (e);
  - 5) Section 132.95 (a) and (d) through (f) and (h);
  - 6) Section 132.100(a) through (g) and (i) through (l); and
  - 7) Section 132.105.
- c) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the provider to the Department.
- d) If the provider's accreditation status changes for any reason, the provider shall notify the Department of that change within 30 days after the effective date the change.
- e) Deemed status may be nullified by a finding by the Department that the provider is in substantial non-compliance with one or more of the Sections identified in subsections (b)(1) through (b)(7) of this Section.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 440, effective April 1, 1999, for a maximum of 150 days)

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- 1) Heading of the Part: Minimum Standards for Certification of Developmental Training Programs
- 2) Code Citation: 59 Ill. Adm. Code 119
- 3) Section Numbers:  
     119.260      Emergency Action:  
     119.270      Amendment  
     119.330      Amendment

4) Statutory Authority: Implementing Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.2] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act.

5) Effective Date of Amendments: April 1, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: April 1, 1999

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Sections 119.260 & 119.270 require community service providers to check the Department of Public Health's Nurse Aide Registry for substantiated findings of abuse or neglect before hiring staff. It also prohibits the agencies from hiring an individual with such substantiated findings. Section 119.330 is being filed in conjunction with Emergency rulemaking of 59 Ill. Adm. Code 50, Office of Inspector General (OIG). Provides for the hearing process referenced in 59 Ill. Adm. Code 50, OIG.

10) A Complete Description of the Subject and Issues Involved: This rule is being amended as part of the Department of Human Services rulemakings that will create a DHS rule for administrative hearings covered by the Illinois Administrative Procedure Act. This specific amendment amends Section 119.330 "Hearings" to change the reference from 59 Ill. Adm. Code 101.70, which is being repealed as part of this consolidation, to 89 Ill. Adm. Code 508.

11) Are there any other amendments pending on this Part: No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

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13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
 Bureau Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor Harris Bldg.  
 Springfield, Illinois 62762  
 217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:



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## TITLE 59: MENTAL HEALTH

## CHAPTER I: DEPARTMENT OF HUMAN SERVICES

## PART 119

## MINIMUM STANDARDS FOR CERTIFICATION OF DEVELOPMENTAL TRAINING PROGRAMS

## SUBPART A: GENERAL PROVISIONS

## Section

119.100 Applicability

119.110 Incorporation by reference

119.120 Definitions

## SUBPART B: PROGRAM REQUIREMENTS

## Section

119.200 General requirements

119.205 Criteria for participation of individuals

119.210 Exclusion, suspension or discharge of an individual

119.215 Program staff

119.220 Interdisciplinary team (team)

119.225 Assessment of individuals

119.230 Individual services plan (plan)

119.235 Individual rights and confidentiality

119.240 Special training procedures

119.245 Committees

119.250 Medications and medical care

119.255 Environmental management

119.260 Administrative requirements

EMERGENCY

119.261 Application for waiver of the prohibition against employment

119.270 Accreditation

EMERGENCY

## SUBPART C: CERTIFICATION REQUIREMENTS

## Section

119.300 Issuing a certificate and period of certification

119.305 Application for certification

119.310 Application acceptance and verification

119.315 Non-transferability of a certificate

119.320 Cessation of operations

119.325 Certificate denial

119.330 Hearings

EMERGENCY

**AUTHORITY:** Implementing Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.2] and the Health Care Worker

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Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act.

**SOURCE:** Adopted at 14 Ill. Reg. 17227, effective October 9, 1990; emergency amendment at 16 Ill. Reg. 2662, effective February 1, 1992, for a maximum of 150 days; emergency expired June 30, 1992; amended at 21 Ill. Reg. 2195, effective February 1, 1997; amended at 21 Ill. Reg. 6067, effective May 5, 1997; amended at 21 Ill. Reg. 8297, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 7978, effective April 27, 1998; amended at 22 Ill. Reg. 16244, effective August 27, 1998; amended at 23 Ill. Reg. 190, effective December 15, 1998; emergency amendment at 23 Ill. Reg. 4103, effective April 1, 1999, for a maximum of 150 days.

## SUBPART B: PROGRAM REQUIREMENTS

## Section 119.260 Administrative requirements

EMERGENCY

## a) Governing body

1) Each program which is owned or operated by any corporation, association, or unit of local government shall have a governing body in which is vested authority and responsibility for the organization, management, control and operation of the program in compliance with the General Not For Profit Corporation Act of 1986 [805 ILCS 105], and with the Department's rules at 59 Ill. Adm. Code 103 (Grants).

2) The names and addresses of all owners or controlling parties (whether they are sole proprietorship, association, partnership, corporation, or subdivisions of other bodies, such as public agencies or religious, fraternal or other charitable organizations) shall be fully disclosed and provided to the Department annually. For corporations, the names and addresses of all officers, directors, and principal stockholders, either beneficial or of record, shall be disclosed.

3) The governing body shall include persons who have no direct or indirect financial interest in the program and include persons with geographic area served by the program and consumer representatives.

4) The provider shall notify the governing body of the Department's annual survey and other State and local inspections which indicate the outcome and disposition of any findings resulting from a survey.

## b) Advisory board

1) A program which is owned or operated by a sole proprietor or partnership shall appoint and maintain an advisory board whose members shall be persons who have no direct or indirect financial

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interest in the program, and who reside in the geographic area served by the program, and who include persons with developmental disabilities and consumer representatives.

- 2) The advisory board shall ensure that each program owned or operated by a sole proprietor or partnership shall have a charter, mission statement, goals and objectives.

- c) Authorized agency representative

The provider shall appoint an authorized agency representative whose qualifications and duties are defined in writing and include authority for program administration and management. His or her performance shall be reviewed and documented annually by the governing body.

- d) Provider policy requirements

1) The program shall have written policies which shall be reviewed annually, revised as necessary and approved by the governing body or advisory board and shall describe:

- A) Goals and objectives reflecting annual and long-range plans;
- B) The population served, including age groups, disabilities and the geographic service area;
- C) The services provided in response to individual and community needs including:
  - i) The hours and days of operation;
  - ii) The methods used to perform initial screening and assessment of individuals;
  - iii) A description of processes used for development of the services plan;
  - iv) The use and approval of special training procedures such as time-out, restraint and aversive techniques;
  - v) Handling emergencies and disasters; and
  - vi) Maintenance of buildings, vehicles and equipment.

- 2) Program policy shall ensure the availability of professional, administrative and support staff to assess and address the needs of individuals. This includes personnel and consultants who can communicate, either verbally or non-verbally, with individuals.

- 3) Program policy shall ensure that Department-authorized consumer-interest groups shall be permitted, with the consent of the individuals, to visit a program.

A) Consumer interest groups must request authorization in writing to visit specific programs. The request shall be made to the Department and shall specify the program to be visited and the reason for the group's proposed visit. If the group agrees to the conditions set out below, the request shall contain those agreements.

- B) The Department shall authorize a group to visit a program for a period of one year if:

- i) The group has as one of its organizational purposes to review public services for mentally disabled individuals;
- ii) The group agrees that its visits will not interfere

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- iii) The group agrees to abide by the provisions of the Act concerning records and communications of individuals in programs.

- C) The Department shall revoke its authorization or not renew the authorization if it has information that the group has not abided by the conditions set out above.

- D) Any group whose authorization has been denied, revoked or not renewed may appeal the decision in writing to the Secretary Bireeetor, who shall review the decision and accept or reverse it within 30 days. The Secretary Bireeetor shall uphold the decision if he or she finds that the group has not abided by this Part.

- e) Personnel requirements

- 1) Programs shall not discriminate in the hiring or employment of staff on the basis of race, color, age, national origin, sex, religion, or handicap.

- 2) Personnel policies and procedures shall be in writing and available for review.

- 3) The program shall have written job descriptions or contractual agreements for every position, including consultant and direct-service volunteer positions, which list the job title, duties and responsibilities, minimum experience and educational requirements, immediate supervisor and subordinates.

- 4) Staff shall be licensed, registered or certified by the State, if required.

- 5) When paraprofessional or untrained staff are used in direct services, they shall be supervised by professional staff.

- 6) A pay plan for all position titles in use shall be available for review by the Department.

- 7) An agency shall not employ a person in any capacity until the agency has inquired of the Department of Public Health as to information in the Nurse Aide Registry concerning the person. If the Registry has information substantiating a finding of abuse or neglect against the person, the agency shall not employ him or her in any capacity.

- f) Staff and volunteer training

- 1) Training in principles and practices in the following areas shall be provided to direct service and professional staff:

- A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
- B) Behavior management;
- C) Normalization;
- D) Age and cultural appropriateness;
- E) Safety, fire, and disaster procedures including:
  - i) Use of fire-fighting equipment; and
  - ii) Familiarity with the disaster preparedness plan.
- F) Prevention, handling, and reporting of abuse, neglect,

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exploitation, unusual incidents (see subsection (h) of this Section):

G) Individual rights in accordance with Chapter 2 of the Code and maintaining confidentiality in accordance with the Act;

H) Team planning;

I) Infection control and sanitation; and

J) Food prevention and handling for staff who prepare and serve food to individuals.

- 2) Training for volunteers working directly with individuals shall be provided in the areas discussed in subsections (f)(1)(A),(E),(F) and (G) of this Section. The agency shall provide a training program for other volunteers.

## g) Quality assurance

- 1) There shall be a written quality assurance plan and ongoing activities designed to review and evaluate services to individuals, operation of programs and to resolve identified problems.
- 2) The scope of quality assurance shall include reviewing semi-annually, or more frequently if problems are identified, at least the following:

- A) Service planning;
  - B) The use of special training procedures including behavior management procedures;
  - C) Unusual incidents relative to services to individuals;
  - D) Service utilization;
  - E) Individuals' records ensuring that they meet the requirements of this Part;
  - F) Subcontracted services to ensure that the needs of individuals are being met; and
  - G) The status of individuals receiving service.
- 3) Records of quality assurance reviews and activities shall be filed separately from the records of individuals.

## h) Unusual incidents

- 1) The provider shall have written policies and procedures for handling, investigating, reporting, tracking and analyzing unusual incidents through the provider's management structure, up to and including the authorized agency representative. The provider shall ensure that staff demonstrate their knowledge of, and follow such policies and procedures that shall include but are not limited to:

- A) Rape or sexual assault;
- B) Abuse or neglect;
- C) Death;
- D) Physical injury;
- E) Assault;
- F) Missing individuals;
- G) Theft; and
- H) Criminal conduct.

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- 2) Within 24 hours after becoming aware of an incident, the provider shall report to the appropriate law enforcement agencies any incident which is subject to the Criminal Code of 1961 [720 ILCS 5].

- 3) The provider shall ensure that suspected instances of abuse or neglect against individuals in programs that are certified by the Department are reported to the Office of Inspector General (Section 6.2 of the Abused and Neglected Long Term Care Facility Residents Reporting Act [210 ILCS 30/6.2]).

## i) Individual's record (record)

- 1) The program shall ensure the confidentiality of an individual's record in accordance with the Act and shall ensure safekeeping of all records against loss or destruction. Individuals or their guardians shall have access to the individual's record upon request.

- 2) The program shall maintain a chronological record for each individual. Records shall be located at a site, designated by the program, that is accessible and convenient to staff contributing to the plan.

- A) Each entry shall be eligible, dated and authenticated by the signature and title of the person making the entry.

- B) Corrections shall be initialed and made in such a way as to leave the original incorrect entry legible.

- C) When symbols or abbreviations are used, the program shall provide a legend, standardized throughout the program, to explain them.

- 3) The following information shall be obtained and recorded when an individual enters a program, and shall be updated as necessary:

- A) Identifying information including name, date of birth, sex, race, social security number and legal status;
- B) The name, address and telephone number of the guardian or the person to be notified in case of an emergency;
- C) The language spoken or understood by the individual including, in the case of a hearing impaired or non-verbal individual, the individual's preferred mode of communication, e.g., American sign language, signed English, aural, oral or tactile communications device;
- D) Psychological assessments and recommendations;
- E) Prescribed medications, allergies to foods, other medications and substances;
- F) Physical and dental examinations and medical history;
- G) Consent to receive emergency medical services; and
- H) Copies of the authorization for release of information.

- 4) The following shall be entered in the individual's record during the period of service:

- A) Prior service history;
- B) Initial assessments and plan and the most recent assessments and plan;



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- C) Documentation of approval and their results when special training procedures are used such as time-out, restraint and aversive procedures; and
- D) Chronological progress notes, at least monthly, documenting the individual's involvement in and response to the plan.
- J) Financial and operational requirements
- Programs shall comply with 59 Ill. Adm. Code 103 (Grants).

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 2508, effective April 1, 1999, for a maximum of 150 days)

**Section 119.270 Accreditation****EMERGENCY**

- a) Providers demonstrating current accreditation status under any of the standards of the accrediting organizations identified in the definition of "accreditation" in Section 119.120 of this Part shall be granted deemed status for the following Sections of this Part:

- 1) Section 119.200(a) and (b);
  - 2) Section 119.205;
  - 3) Section 119.210(a) through (d);
  - 4) Section 119.215;
  - 5) Section 119.220;
  - 6) Section 119.225;
  - 7) Section 119.230(a) and (c) through (f);
  - 8) Section 119.240(a) and (c) through (h);
  - 9) Section 119.245;
  - 10) Section 119.250; and
  - 11) Section 119.260(a) through (e)(1) through (6), (g), (i) and (j).
- b) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the provider to the Department.
- c) If the provider's accreditation status changes for any reason, the provider shall notify the Department of that change within 30 days after the effective date of the change.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 2508, effective April 1, 1999, for a maximum of 150 days)

**Section 119.330 Hearings****EMERGENCY**

- a) The Department may not deny or suspend a certificate unless the provider is given written notice of the grounds for the Department's action. Except when denial of a certificate is based on imminent risk as described in Section 119.325, the provider may operate and receive a reimbursement for services during the period preceding the hearing, until such time as a final decision is made.

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- b) Hearings shall be conducted in accordance with the Department's rule at 89 Ill. Adm. Code 508 59-III--Adm--Code-101-70--Conduct-of-hearings and-appeals.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 2508, effective April 1, 1999, for a maximum of 150 days)

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## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Office of Inspector General Investigations of Alleged Abuse or Neglect and Deaths in State-Operated and Community Agency Facilities
- 2) Code Citation: 59 Ill. Adm. Code 50
- 3) Section Numbers: Emergency Action:

50.10	Amended
50.20	Amended
50.30	Amended
50.50	Amended
50.70	Amended
50.80	Amended
50.90	New Section

- 4) Statutory Authority: Implementing and authorized by Section 6.2 of the Abused and Neglected Long Term Care Facilities Reporting Act [210 ILCS 30/6.2].

- 5) Effective Date of Amendments: April 1, 1999

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

- 7) Date filed with the Index Department: April 1, 1999

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: This rulemaking implements corrective action intended to prevent abuse and neglect of clients served by community service agencies as cited by a recent federal audit.

- 10) A Complete Description of the Subject and Issues Involved: This rulemaking requires community service providers to check the Department of Public Health's Nurse Aide Registry for substantiated findings of abuse or neglect before hiring staff. It also prohibits the agencies from hiring an individual with such substantiated findings.

- 11) Are there any other amendments pending on this Part: No

- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate

- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief

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Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

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TITLE 59: MENTAL HEALTH  
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

## PART 50

OFFICE OF INSPECTOR GENERAL  
INVESTIGATIONS OF ALLEGED ABUSE OR NEGLECT AND DEATHS IN  
STATE-OPERATED AND COMMUNITY AGENCY FACILITIES

Section	Definitions
50.10	
<u>EMERGENCY</u>	
50.20	Reporting allegations of abuse, neglect and death
<u>EMERGENCY</u>	
50.30	Responsibilities of OIG for intake assessment
<u>EMERGENCY</u>	
50.40	Method of investigation
50.50	Conduct of the investigation
<u>EMERGENCY</u>	
50.60	Investigative file and preliminary report
50.70	Completed investigations and final report
<u>EMERGENCY</u>	
50.80	Appeals process for findings of investigations
<u>EMERGENCY</u>	
50.90	Notification of Nurse Aide Registry of Findings of Abuse or
<u>EMERGENCY</u>	Neglect

**AUTHORITY:** Implementing and authorized by Section 6.2 of the Abused and Neglected Long Term Care Facilities Reporting Act [210 ILCS 30/6.2].

**SOURCE:** Adopted at 22 Ill. Reg. 19334, effective October 19, 1998; emergency amendment at 23 Ill. Reg. ~~19334~~ <sup>19334</sup>, effective April 1, 1999, for a maximum of 150 days.

**Section 50.10 Definitions****EMERGENCY**

For the purposes of this Part, the following terms are defined:

"Abuse." Any physical injury, sexual abuse, or mental injury inflicted on an individual other than by accidental means. Abuse also means any physical, sexual or mental abuse resulting in a serious injury inflicted on an individual by another person who is not an employee.

"Access." For the purpose of the Office of Inspector General's (OIG) investigations of allegations of abuse or neglect or death, means admission to a community agency or facility, interviewing appropriate individuals and employees, and obtaining any documents or records that

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OIG believes to be pertinent to the investigation. For a community agency, this must be granted by the community agency's authorized representative or his or her designee through a mutually agreed scheduling with OIG, unless OIG has cause to believe that the individual(s) is at risk of imminent danger or that advance notice may unduly hinder the investigation or make it ineffectual.

"Accidental." Occurring unexpectedly or by chance without intent or volition.

"Act." The Abused and Neglected Long Term Care Facility Resident Reporting Act [210 ILCS 30].

"ALC." The Department's Accreditation, Licensure and Certification unit.

"Allegation." Any assertion, complaint, suspicion or incident where abuse or neglect of an individual(s) may have occurred.

"Authorized representative." The administrative head or executive director of a community agency appointed by the community agency's governing body with overall responsibility for fiscal and programmatic management, or the facility director or hospital administrator of a Department facility. If this person is implicated in an investigation, the governing body of the community agency or the Secretary of the Department shall be deemed the authorized representative for that investigation.

"Community agency." Any community entity or program providing mental health or developmental disabilities services that is licensed, certified or funded by the Department and not licensed or certified by any other human service agency of the State (e.g., Departments of Public Health, Public Aid, and Children and Family Services).

"Complainant." Any person who reports an allegation of abuse or neglect or death directly to OIG with the exception of self reporting by a community agency or facility.

"Complaint." An allegation of abuse or neglect or a death reported directly to OIG through any other means except self-reports by the community agency or facility.

"Credible evidence." Any directly related physical injury or other physical documentary or testimonial evidence that supports the truthfulness of the complaint and that is known at the time.

"Days." Calendar days, unless otherwise specified.



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"Deflection." Those situations in which an individual is presented for admission to a facility or agency and the facility or agency staff do not admit. This includes triage, redirection and denial of admission.

"Department." The Department of Human Services.

"Employee." Any person providing services at the direction of the owner or operator of the facility or community agency on or off site. This includes payroll personnel, contractors, subcontractors, and volunteers.

"Facility." A mental health and/or developmental disabilities center operated by the Department.

"Final report." A completed investigative report by the Inspector General that summarizes the evidence and that indicates whether the allegation of abuse or neglect is substantiated, unsubstantiated, or unfounded based on the evidence gathered from the investigation. If the authorized representative responds to the preliminary report, the final report shall include a copy of such response. *The final report shall not contain actual or copies of witness statements, investigation notes, draft summaries, results of lie detector tests, investigative files or other raw data that was used to compile the final report (Section 6 of the Act).* The completed investigatory report shall become final at the end of the reconsideration/response period.

"Imminent danger." A preliminary determination of immediate, threatened or impending risk of illness, mental injury, or physical injury to an individual(s) as would cause a reasonably prudent person to take immediate action and which is not immediately corrected, such as environmental or safety hazards.

"Individual." Any person receiving mental health or developmental disabilities services from a facility or community agency operated, licensed, certified, or funded by the Department.

"Medical treatment." Any treatment ordered or rendered to an individual by a physician regarding an injury. The use of a diagnostic procedure, such as x-rays or laboratory tests, with no subsequent medical treatment, does not in itself constitute medical treatment.

"Mental injury." Includes verbal abuse, psychological abuse or exploitation by an employee.

"Verbal abuse." The use of words by an employee toward or about and in the presence of an individual(s) which a reasonably

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prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual(s) whether or not there is a psychological injury.

"Psychological abuse." The use of signs, gestures or other actions by an employee toward or about and in the presence of an individual(s) which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual(s).

"Exploitation." Any act of forcing, compelling, or coercing or ~~entering~~ an individual(s) to perform services for the advantage of another, with or without an injury.

"Neglect."

Any failure by a community agency or facility or employee thereof to carry out required and appropriate clinical services, habilitation, or treatment as ordered by a physician or other authorized personnel that is the proximate cause of psychological harm or physical injury to an individual. Consideration shall be given in instances when the right of the individual to refuse such clinical services, treatment or habilitation is asserted; or

Any act or omission by a community agency or facility or employee thereof that endangers an individual's health or safety or fails to respond to an obvious and immediate need of an individual, regardless of whether or not there is an injury; or

Any act or omission by a community agency or facility or employee thereof that results in any documented physical injury to an individual the circumstances or nature of which would cause a reasonably prudent person to believe neglect by the community agency or facility has occurred. Consideration shall be given to whether the injury was repeated or preventable. This includes individual to individual assaults that are allegedly the result of employee or facility neglect; or

Any act or omission by a community agency or facility or employee thereof that results in an individual's absence that would cause a reasonably prudent person to believe neglect by an employee, community agency or facility has occurred; or

Any act or omission by a community agency or facility or employee

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thereof that results in any individual to individual sexual penetration, sexual molestation, or sexual exploitation where one of the participants is unwilling or unable to consent to sexual activity of which an employee, community agency or facility has or should have knowledge that would cause a reasonably prudent person to believe neglect by an employee, community agency or facility has occurred; or

Any act or omission by a community agency or facility or employee thereof that results in any exploitation of an individual by another individual of which an employee, community agency or facility has or should have knowledge that would cause a reasonably prudent person to believe neglect by an employee, community agency or facility has occurred.

"Non-serious injury." Any injury that does not fit the definition of "serious injury" as defined in this Section. Included in this classification are injuries such as red marks, scratches, superficial bruises, abrasions, lacerations not requiring sutures, sprains, jammed fingers or toes, and discolorations.

"OIG." The Office of Inspector General of the Department.

"OIG representative." An employee of OIG who is qualified as an investigator according to the qualifications established by the Central Management Services of the State of Illinois.

"Physical injury." Any act of direct physical mistreatment of an individual by an employee of a community agency or facility, such as hitting, kicking, pinching, choking, shoving, pushing, biting, slapping, punching, striking with an object, burning, dragging, or cutting, with or without an injury.

"Preliminary report." A summary of the evidence in an investigation with a recommendation as to whether the findings of the investigation indicate that the allegation should be substantiated, unsubstantiated, or unfounded. The preliminary report shall not contain actual or copies of witness statements, investigation notes, draft summaries, results of lie detector tests, investigative files, or other raw data that was used to compile the preliminary report.

"Preponderance of the evidence." Proof sufficient to persuade the finder of fact that a proposition is more likely true than not true.

"Reasonably prudent person." Someone who exercises good judgment and common sense. A reasonably prudent person has average intelligence and perception.

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"Required reporter." Any employee and any person employed by the Department who suspects, witnesses, or is informed of an allegation of abuse or neglect or death shall be deemed the required reporter for purposes of this Part.

"Routine programmatic." Refers to services provided as part of the individual's habilitation plan, treatment plan, or as a regular or ongoing component of the community agency's or facility's general services or practices.

"Secretary." The Secretary of the Department or his or her designee.

"Self report." A report of an allegation of abuse or neglect or death in a program or activity for which a community agency or facility has administrative responsibility and which is reported to OIG by that community agency or facility through the formal reporting process in accordance with this Part.

"Serious injury." An injury such as:

A laceration requiring sutures, a complete or partial fracture of any bone, loss of teeth, second or third degree burn, severed extremity, any injury that results in a severe impairment, temporary or permanent disfigurement, threatens life, results in temporary or permanent loss of use of limb or loss of consciousness, results in a grand mal seizure or any other injury for which a reasonably prudent person would obtain medical treatment; or

An injury that has significant potential for transmitting serious infectious disease. An injury of this type may occur when the following elements are present:

One individual is known or reasonably suspected to have a serious infectious disease;

The injury is of a type that could transmit a serious infectious disease; and

One recipient is known not to have, or it is reasonably believed that he or she does not have, a serious infectious disease; or

An injury that is initially classified as non-serious but at some point becomes serious (for example, a contusion to the head that is found to be a serious hematoma or results in internal bleeding).

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"Sexual abuse." Any act of sexual penetration, molestation, or exploitation of an individual by an employee of the community agency or facility.

"Sexual exploitation." The sexual use of an individual for another person's sexual gratification, arousal, advantage, or profit.

"Sexual molestation." Any intentional or knowing touching or fondling by one person, either directly or through clothing, of the sex organs, anus, or breast of the other person, for the purpose of sexual gratification or arousal of either person.

"Sexual penetration." Any contact, however slight, between the sex organ of one person and the sex organ, mouth, or anus of another person, or any animal or object inserted into the sex organ or anus of another person for the purpose of sexual gratification or arousal of either person.

"Substantiated." A preponderance of the evidence found during any investigation indicates that abuse or neglect occurred.

"Substantial evidence." Such evidence as a reasonable person can accept as adequate to support a conclusion.

"Temporary absence." A home visit, unauthorized absence and any other situation where the individual is a resident of the facility or community agency but not either physically in the facility or community agency or on the facility or community agency campus.

"Unfounded." There is no credible evidence that abuse, neglect, or both occurred.

"Unsubstantiated." There is credible evidence, but less than a preponderance of evidence to show that abuse, neglect, or both occurred.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 1, 1999, for a maximum of 150 days)

## Section 50.20 Reporting allegations of abuse, neglect and death

### EMERGENCY

a) Self-reporting - facility or community agency employees

1) If an employee witnesses, is told of, or has reason to believe an incident of abuse or neglect or a death has occurred, the employee shall report the allegation according to the community agency's or facility's procedures. Such employees shall be

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deemed the "required reporter" for purposes of this Part.

2) Within one hour after the discovery of an incident of alleged abuse or neglect or a death, the authorized representative or his or her designee of the community agency or facility shall report to OIG using the OIG hotline number 1-800-368-1463. This includes:

A) Any allegation of abuse that may be the result of any action by an individual or employee;

B) Any allegation of neglect that may be the result of any action or omission by a community agency, facility, or an employee thereof; and

C) Any death of an individual that occurs either within a facility or community agency program or within 14 days after discharge, transfer or deflection.

3) Within 24 hours after the discovery of any serious injury to an individual, however inflicted (including self-injury), that is not alleged to be the result of abuse or neglect, the authorized representative or his or her designee of the community agency or facility shall report the injury to OIG using the OIG hotline number 1-800-368-1463 (voice or TTY).

4) Within 24 hours after the discovery of the following types of incidents, but no less frequently than monthly, the authorized representative or his or her designee of the community agency or facility shall report to the OIG using the OIG hotline number 1-800-368-1463 (voice or TTY) or by faxing a report to OIG. This includes the following individual-to-individual injuries.

A) All injuries, whether serious or non-serious, that are inflicted on an individual by another individual or individuals other than by accidental means when the injuries occur three times a month (or more); and

B) Incidents with any serious or non-serious accidental injury involving more than two individuals.

5) Required reporter - facility

The required reporter of a facility is required to complete the OIG Incident Report Form for reporting alleged abuse, neglect, and death and submit the form to the authorized representative or his or her designee according to facility procedures.

6) Required reporter - community agency

The required reporter of a community agency is required to complete a form designated by the community agency and submit the form to the authorized representative or his or her designee according to community agency procedures.

7) Verbal reporting - community agency or facility

Community agency or facility procedures may allow employees to report the allegation verbally to the selected community agency or facility designee(s) (for example, the most immediate on-duty supervisor or security officer) provided that the designee then completes the form required by the community agency or facility.



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8) Screening of reports prohibited -- community agency or facility screening or otherwise withholding reports of incidents or allegations of abuse or neglect from OIG is not allowed.

9) Completion of OIG-required form - community agency or facility The authorized representative or his or her designee shall submit the completed OIG-required form for reporting alleged abuse, neglect, and a death to OIG by fax or by mail within 24 hours after telephoning the report to the OIG hotline.

A) Reporting to OIG shall not relieve the community agency or facility from any other statutory or regulatory reporting requirements applicable to the community agency or facility.

B) The authorized representative or his or her designee who reviews the prescribed OIG form for reporting alleged abuse, neglect, or death at the respective community agency or facility shall not delete, delay, withhold, limit, or otherwise restrict any of the information as contained on the OIG prescribed reporting form. Information may be added by the authorized representative or his or her designee for clarification purposes only.

10) Direct notification to OIG - community agency or facility employees

Community agency or facility employees may notify OIG directly of an allegation of abuse or neglect or a death by using the OIG hotline, fax or mail. An employee notifying OIG in this way shall be considered the complainant in the case.

b) OIG hotline

The OIG hotline (#1-800-368-1463) shall be communicated to individuals and guardians at the time of admission and the number shall be posted in plain sight at each community agency and facility.

c) Other reports - complainant

1) Any other person, individual, family member, guardian, advocate, or staff from another community agency or facility who witnesses, is told of or has reason to believe an incident of alleged abuse or neglect or a death of an individual may have occurred, may report the incident to OIG by telephoning the OIG hotline, or in writing by fax or mail.

2) The OIG representative shall notify the authorized representative of the community agency or facility or his or her designee that an allegation has been received unless such notification compromises the integrity of the investigation, such as, an allegation involving the authorized representative or his or her designee.

d) Training and technical assistance

Any person, community agency, or facility may request training or technical assistance from OIG in identifying, reporting, investigating and preventing abuse or neglect, or participation in applicable OIG-sponsored training as referenced in Section 6.5 of the Act.

e) Misleading reports

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Nothing in this rule protects persons who knowingly make misleading reports to harass or compromise community agency or facility effectiveness from action available to either the community agency or facility. Nothing in this Part prohibits OIG, other enforcement authorities, or any employees jeopardized by such reporting from obtaining allowable remedies.

f) Notification of individual

The authorized representative or designee shall notify the individual who was allegedly abused or neglected and his or her legal guardian of the allegation within 24 hours after receiving the allegation. If the authorized representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 4518, effective April 1, 1999, for a maximum of 150 days)

### Section 50.30 Responsibilities of OIG for intake assessment EMERGENCY

a) Availability of OIG representative

An OIG representative shall be available 24 hours a day to receive reports of allegations of abuse, neglect or death and provide any technical assistance with filing the required OIG prescribed form for reporting alleged abuse, neglect, and death.

b) Responsibility of OIG representative receiving the report

The OIG representative receiving the report of the allegation is responsible for assessing, based on the information received at intake, whether the allegation could constitute abuse or neglect and whether OIG has the authority to investigate in accordance with the Act. The representative shall determine whether the allegation could constitute abuse or neglect and whether OIG has the authority to investigate in accordance with the Act within 24 hours after receiving the call.

c) Reports involving routine programmatic, licensure or certification matters

1) OIG shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of ALC, the Department, or any of its funded agencies. (Section 6.2(a) of the Act).

2) If the reported allegation relates to licensure or certification standards and is deemed not to be abuse or neglect, OIG shall refer the allegation to ALC and notify the community agency or facility and/or the complainant of such referral in writing within 5 working days.

3) If the reported allegation relates to routine programmatic operations and is deemed not to be abuse or neglect, OIG shall refer the allegation to the appropriate office of the Department and notify the community agency or facility and/or complainant of

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- such referral in writing within 5 working days.
- d) Investigations by two or more State agencies abuse or neglect at a community agency or facility, *OIG shall not conduct an investigation that is redundant to an investigation conducted by another State agency (Section 6.2(a) of the Act) unless another State agency has requested that OIG participate in the investigation (such as the Departments of State Police, Children and Family Services, or Public Health).*
- e) Referral to the Department of State Police  
*The Inspector General shall, within 24 hours after receiving a report of an allegation of abuse or neglect or death, determine whether the evidence indicates that any possible criminal act has been committed or law enforcement expertise is required, and shall refer such allegations to the Department of State Police for investigation in accordance with Section 6.2(b) of the Act.*
- f) Referral to the appropriate authority  
*If the reported allegation is not within OIG authority or does not constitute abuse or neglect or death, the OIG representative shall document receipt of the report and provide the authorized representative or his or her designee and complainant with the appropriate referral information in writing within 5 working days.*
- g) Authorized representative - community agency  
*If the allegation constitutes abuse or neglect or death and is within the jurisdiction of OIG, the authorized representative or his or her designee of a community agency shall:*
- 1) Ensure the immediate health and safety of involved individuals and employees, including ordering medical examinations when applicable and removing alleged accused employee(s) from having contact with the involved individual(s) when there is credible evidence supporting the allegation of abuse and neglect;
  - 2) Secure the scene of the incident and preserve evidence, if applicable;
  - 3) Identify and separate potential witnesses, when applicable; and
  - 4) Identify and record all persons at the scene at the time of the incident and, when relevant, those who had entered the scene prior to the scene being secured;
  - 5) Secure all relevant physical evidence, such as clothing, if applicable;
  - 6) Photograph the scene of the incident and the individual's injury, when applicable; and
  - 7) Notify an OIG representative.
- h) Authorized representative - facility  
*If the allegation constitutes abuse or neglect or death, the authorized representative or his or her designee of a facility shall:*
- 1) Ensure the immediate health and safety of involved individuals and employees, including ordering medical examinations when applicable and removing alleged accused employee(s) from having

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- contact with the involved individual(s) when there is credible evidence supporting the allegation of abuse and neglect;
- 2) Secure the scene of the incident and preserve evidence, if applicable;
  - 3) Identify and separate potential witnesses, when applicable;
  - 4) Identify and record all persons at the scene at the time of the incident and, when relevant, those who had entered the scene prior to the scene being secured;
  - 5) Secure all relevant physical evidence, such as clothing, if applicable;
  - 6) Photograph the scene of the incident and the individual's injury, when applicable;
  - 7) Notify an OIG representative; and
  - 8) Initiate the preliminary steps of the investigation by the designated facility employees who have been trained in OIG-approved methods to conduct initial interviews and gather evidence and documents. The assigned OIG investigator is responsible for the investigation of allegations of abuse or neglect or of deaths from other than natural causes.
- i) Determination of further action by OIG representative  
*The OIG representative may determine what further action, if any, is necessary to protect the safety of any individual, secure the scene of the alleged incident, preserve evidence and maintain the integrity of the investigation. Such action may include immediate emergency referrals (such as medical or housing services), the notification of law enforcement officials, requesting hospital services or contacting the Department or other State agencies for assistance.*
- j) Indirect report of an allegation  
*If the report of an allegation of abuse or neglect or a death was not received directly from the community agency or facility, an OIG representative shall notify the authorized representative or his or her designee immediately but not later than within 24 hours that an allegation has been received unless such notification compromises the integrity of the investigation.*

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 1, 1999, for a maximum of 150 days)

# Section 50.50 Conduct of the investigation

## EMERGENCY

- a) Procedures  
Depending on the nature of the allegation, an investigation shall consist of the following procedures:
- 1) To protect the integrity of the investigation when appropriate the scene of the incident shall be secured, witnesses shall be identified and separated, and physical evidence shall be preserved and secured;

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- 2) To gather testimonial evidence in instances when appropriate initial statements and/or follow-up statements from persons involved including victim(s), alleged perpetrator(s), and witness(es) shall be obtained by face-to-face interview, in writing, or by telephone; and
- 3) To obtain copies of pertinent documents such as progress notes, injury reports, individual records, photographs.

b) Confidentiality  
Any allegations or investigations of reports of abuse and neglect shall remain confidential until a final report is completed (Section 6.2(a) of the Act). The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140] or unless identification is authorized by the complainant. Information concerning diagnosis and treatment for alcohol or drug abuse shall be disclosed to OIG by community agencies only in accordance with federal regulations at 42 CFR 2. Information concerning tests for human immunodeficiency virus (HIV) and diagnosis and treatment for acquired immune deficiency syndrome (AIDS) shall be disclosed to OIG by community agencies only in accordance with the AIDS Confidentiality Act [40 ILCS 305].

c) Respect for the dignity and rights of persons involved  
All investigations shall be conducted in a manner that respects the dignity and human rights of all persons involved as part of the investigation.

d) Integrity of the investigation

All investigations shall be conducted in a manner that maintains the integrity of the investigation and that does not give cause to question the investigator's objectivity.

e) Subject(s) of the investigation

An employee does not have a constitutional or statutory right to representation during an interview that is part of an administrative investigation of an allegation of abuse or neglect. An employee who believes that he or she is the subject of an investigation may request representation during the OIG interview. This request for representation may be denied by the OIG investigator. Grounds for denial may be unwarranted delay, the representative may pose a conflict of interest or interfere with the investigation, the representative's presence may render the interview ineffective, or any other circumstance that in the investigator's opinion would compromise the integrity of the investigation.

f) Non-interference

No person shall interfere with or obstruct the conduct of any OIG interview or investigation. The OIG investigator shall decide if anyone other than the person being interviewed shall be present at the interview.

g) Availability of OIG to a community agency or facility  
If the community agency or facility has responsibility for conducting the investigation, OIG shall be available on request to answer

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questions and provide advice or technical assistance regarding the investigatory process.

- h) Access by OIG  
OIG shall be granted access, for the purpose of investigating a report of abuse or neglect or a death, to any facility or program funded, licensed or certified by the Department that is subject to the provisions of Section 6.2 of the Act to investigation by the Office of Inspector General for report of abuse or neglect or a death. (Section 6.2(f) of the Act)

1) OIG shall seek access in a manner that respects the dignity and human rights of all persons involved, maintains the integrity of the investigation and does not unnecessarily disrupt programs and/or services.

2) When advance notice to an authorized representative or his or her designee is not provided, OIG shall, on arrival at the community agency or facility site, request that an on-duty and on-site employee notify the authorized representative or his or her designee of OIG's arrival.

- i) If at any time during the course of the investigation OIG determines that:

1) The allegation involves a possible criminal act or that special expertise is required, OIG shall notify within 24 hours the Department of State Police and local law enforcement authorities as appropriate.

2) An individual's health or safety is in imminent danger, the Inspector General shall immediately notify the Secretary or his or her designee and the authorized representative of the community agency or facility or his or her designee.

3) There is reason to believe that a violation of an existing Department Rule may have occurred, OIG shall immediately notify the authorized representative or his or her designee of the community agency and the appropriate Department office or division.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 1, 1999, for a maximum of 150 days)

## Section 50.70 Completed investigations and final report

EMERGENCY

- a) Acceptance of preliminary report

At the end of the 15-days reconsideration/response time period, the preliminary report of the investigation shall be considered a final report and the investigation considered complete.

- b) Final report to the Secretary and community agency or facility  
The Inspector General shall, within 10 days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete (final)



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report on the case to the Secretary and to the community agency or facility in which the abuse or neglect was alleged to have happened. (Section 6.2(c) of the Act)

- c) Informing individual and alleged perpetrator of report  
Within 15 days after receiving a final report or notification, the authorized representative or designee shall inform the individual, the individual's legal guardian and the alleged perpetrator whether the allegation was substantiated, unsubstantiated or unfounded.

- d) Release of final reports  
Any allegations or investigations of reports of abuse and neglect shall remain confidential until a final report is completed. (Section 6.2(a) of the Act)

- 1) Final reports of substantiated investigations shall be released in accordance with the Act, Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], and the Freedom of Information Act [5 ILCS 140].

- 2) Final reports of unsubstantiated or unfounded allegations shall remain confidential except that final reports shall be released pursuant to Section 6 of the Act or a valid court order.

- 3) The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140], or unless authorized by the complainant.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 1, 1999, for a maximum of 150 days)

**Section 50.80 Appeals process for findings of investigations****EMERGENCY**

There shall be an appeals process for any person or community agency that is subject to any action based on the findings of an investigation. (Section 6 of the Act)

- a) A person or community agency may appeal an action taken based on a finding of an investigation on the grounds that the action was unduly punitive or unduly lenient.  
b) The Department, facility or agency taking the action on the basis of an investigation shall inform the agency or employee of the right to appeal under this Part.  
c) The individual or community agency may request a hearing no later than 30 days after the action occurred. The individual or community agency shall submit a letter to the Bureau of Administrative Hearings, Department of Human Services, 100 S. Grand Ave. East, Springfield IL 62762, requesting a hearing and setting out the reasons why the action was in error.

- d) The hearings under this Section shall be conducted in accordance with the Department's Rule on the conduct of hearing and appeals, at 89 59 Ill. Adm. Code 508 101-70.

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- e) At the hearing, the community agency, the facility or the Department shall have the burden of proving that its action was fair and supported by creditable evidence.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 1, 1999, for a maximum of 150 days)

**Section 50.90 Notification of Nurse Aide Registry of Findings of Abuse or Neglect****EMERGENCY**

Upon notification by a community agency that an employee has been terminated due to a substantiated finding of abuse or neglect, the Inspector General shall notify the individual that the Nurse Aide Registry will be informed of the substantiated finding, and notify the individual of the right to appeal this action as provided by Section 50.80. At least 30 days after providing this notification or after conclusion of any hearing conducted pursuant to the provisions of Section 50.80, the Inspector General shall inform the Nurse Aide Registry of the substantiated finding of abuse or neglect for inclusion of the information into the Registry, unless a hearing concludes that the Inspector General should not take this action.

(Source: Added by Emergency rulemaking at 23 Ill. Reg. effective April 1, 1999, for a maximum of 150 days)

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## NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Recovery of Misspent Funds

2) Code Citation: 89 Ill. Adm. Code: 527

3) Section Numbers: Emergency Action:  
527.10 Amendment  
527.100 Amendment

4) Statutory Authority: Implementing the Illinois Grant Funds Recovery Act (30 ILCS 705) and authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Amendments: April 2, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: No

7) Date filed with the Index Department: April 2, 1999

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Filed in conjunction with Emergency rulemaking on 59 Ill. Adm. Code 50, Office of Inspector General (OIG). Provides for the hearing process referenced in 59 Ill. Adm. Code 50, OIG.

10) A Complete Description of the Subject and Issues Involved: This rulemaking is part of the Department of Human Services effort to consolidate all hearings covered by the Illinois Administrative Procedure Act. This rule covers the Office of Rehabilitation Services "Recovery of Misspent Funds". The new Administrative Hearings rule 89 Ill. Adm. Code 508 now covers the hearings that result from appeals of agencies and persons impacted by this rule. This rulemaking amends and repeals Sections of Part 527 to make this rulemaking consistent with the new Administrative Hearings rule (Part 508).

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East

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3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

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## TITLE 89: SOCIAL SERVICES

## CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

## SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

## PART 527

## RECOVERY OF MISSPENT FUNDS

Section 527.10 General Statement of Purpose and Applicability

527.100 Initial Collection Activity

EMERGENCY

527.200 Informal Hearing (Repealed)

527.300 Formal Hearing (Repealed)

**AUTHORITY:** Implementing the Illinois Grant Funds Recovery Act [30 ILCS 705] and authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

**SOURCE:** Adopted at 10 Ill. Reg. 3840, effective February 7, 1986; amended at 14 Ill. Reg. 18844, effective November 7, 1990; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 23 Ill. Reg. 4531 effective April 2, 1999, for a maximum of 150 days.

**Section 527.10 General Statement of Purpose and Applicability**

EMERGENCY

Funds which are granted or authorized by the Department of Human Services Office of Rehabilitation Services (DHS-ORS) to individuals or organizations for specific purposes and later found to have been spent for other purposes require DHS to collect those funds.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 4531 effective April 2, 1999, for a maximum of 150 days)

**Section 527.100 Initial Collection Activity**

EMERGENCY

a) The DHS-ORS employee who is responsible for authorizing payments to the recipient of funds must monitor all such payments for proper expenditure. Upon discovering that such funds are being used for purposes other than those specified by the grant or contract entered into by the recipient, this employee must notify the DHS-ORS Central Office. The investigator in Central Office shall make a determination as to whether funds have been misspent or fraud has occurred based on the data provided by the employee.

1) If it is determined that funds were not misspent, the employee

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shall be instructed not to take any further actions.

2) If it is determined fraud may have occurred, the matter shall be referred to the Illinois Department of State Police for disposition.

3) If it is determined that funds were misspent, the recipient of the funds shall be requested to sign an Agreement for Repayment of Funds (IL488-1642) (Agreement).

b) If the recipient of the funds agrees to pay back the misspent monies, the Agreement will verify the amount of money to be paid back, the schedule of payments agreed to by the employee and the recipient, and to whom the amount is payable. A copy of this Agreement will be sent to the BHS Fiscal Division, Springfield. DHS-ORS will agree to allow the recipient to pay back the funds in allotments over a reasonable period of time based on the amount of the funds and the ability of the recipient to repay. As an alternative to direct repayment of funds, DHS-ORS will agree to allow the amount of repayment to be offset against existing or future grants upon the request of the recipient. If a payment is not received within 10 working days after the due date, the Fiscal Division shall send a letter to the recipient stating that payment has not been received and that legal action shall be taken to collect the entire remaining balance. This letter shall contain the date and content of the original agreement, information regarding the recipient's right to appeal under procedures established at 89 Ill. Adm. Code 510 and the date the debt shall be determined delinquent (which shall be 35 calendar days from the date of the letter).

c) If no agreement is reached between the employee and the recipient to pay back the misspent funds, the employee must prepare a memorandum to his/her supervisor (or other DHS-ORS staff with supervisory responsibility for a particular grant or contract) providing information on what attempts have been made to date to collect the funds.

d) The employee's supervisor shall prepare a letter to the recipient to notify him/her that actions to collect the funds will proceed and contain information regarding the recipient's right to appeal under 89 Ill. Adm. Code 508.

e) The letter from the employee's supervisor to the recipient shall be sent by certified mail with return receipt requested and will include a copy of DHS rules, 89 Ill. Adm. Code 508 510, as well as:

- 1) a summary of the information contained in the original report provided per subsection (a) of this Section (including the identification of the allegedly misspent money, the amount of money which was allegedly misspent, the basis on which this amount was determined, and the basis on which it was determined that the money was allegedly misspent);
- 2) a statement that the supervisor has reviewed the facts in a question and BHS Central Office has determined that the



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- collection of these funds is appropriate;
- 3) notice that DHS will initiate collection procedures for the allegedly misspent money after 30 days unless the recipient requests a hearing in writing under per 89 Ill. Adm. Code 508.516, or signs an Agreement;
- 4) a statement that this request for a hearing must be made to the individual's supervisor (including that person's name and address).
- f) If the recipient does not request the hearing within 30 days ~~timeframes--set-out-in-89-III-Adm-Code-516~~, the supervisor will notify the Fiscal Division in Central Office to complete an Involuntary Withholding Request (Form C-33) and send the completed form to the Comptroller's Office ~~[15 ILCS 405/10.05]~~ ~~{III-Rev-Stat--1989--ch:15--par--210-05}~~.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 4531, effective April 2, 1999, for a maximum of 150 days)

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- 1) Heading of the Part: Rules of Practice and Procedure in Administrative Hearings
- 2) Code Citation: 77 Ill. Adm. Code 2000
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
2000.10	Repealed
2000.20	Repealed
2000.30	Repealed
2000.40	Repealed
2000.50	Repealed
2000.60	Repealed
2000.70	Repealed
2000.80	Repealed
2000.90	Repealed
2000.100	Repealed
2000.110	Repealed
2000.120	Repealed
2000.130	Repealed
2000.140	Repealed
2000.150	Repealed
2000.160	Repealed
2000.170	Repealed
2000.180	Repealed
2000.190	Repealed
2000.200	Repealed
2000.210	Repealed
- 4) Statutory Authority: Implementing and authorized by the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].
- 5) Effective Date of Amendments: April 2, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: April 2, 1999
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Filed in conjunction with Emergency rulemaking on 59 Ill. Adm. Code 50, Office of Inspector General (OIG). Provides for the hearing process referenced in 59 Ill. Adm. Code 50, OIG.
- 10) A Complete Description of the Subject and Issues Involved: This rulemaking is part of the Department's effort to consolidate all hearings

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covered by the Illinois Administrative Procedure Act. This rulemaking is being repealed and replaced by 89 Ill. Adm. Code 508 "Administrative Hearings."

11) Are there any other amendments pending on this Part: No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Repealer begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY REPEALER

TITLE 77: PUBLIC HEALTH

CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE  
SUBCHAPTER a: ADMINISTRATIVE RULES

## PART 2000

RULES OF PRACTICE AND PROCEDURE IN  
ADMINISTRATIVE HEARINGS (REPEALED)

Section	
2000.10	Applicability
2000.20	Definitions
2000.30	Authority of Department
2000.40	Notice
2000.50	Injunctive Process
2000.60	Suspension Prior to Hearing
2000.70	Hearing Officer
2000.80	Mailings
2000.90	Early Termination of Proceedings
2000.100	Parties and Representation
2000.110	Intervenors
2000.120	Pre-hearing Conferences
2000.130	Conduct of Hearings
2000.140	Form of Pleading or Motion
2000.150	Subpoenas
2000.160	Witness Fees
2000.170	Continuances and Extensions of Time
2000.180	Ex parte Communication
2000.190	Transcript of Hearing
2000.200	Record of Hearing
2000.210	Hearing Officer's Report and Final Decision

AUTHORITY: Implementing and authorized by the Alcoholism and Substance Abuse Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 6301 et seq.).

SOURCE: Adopted at 10 Ill. Reg. 14628, August 21, 1986; repealed by emergency rulemaking at 23 Ill. Reg. 40031 effective April 2, 1999, for a maximum of 150 days.

## Section 2000.10 Applicability

These rules shall govern all formal administrative hearings for the Department of Alcoholism and Substance Abuse. Any hearing held in a contested case or in a licensing action shall be deemed to be a formal administrative hearing.

## Section 2000.20 Definitions

"Act" means the Alcoholism and Substance Abuse Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 6301 et seq.)

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"Contested case" means an adjudicatory proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, in which the individual legal rights, duties or privileges of a party are required by law to be determined by an agency only after an opportunity for hearing.

"Days" means calendar days.

"Department" means the Department of Alcoholism and Substance Abuse.

"Director" means the Director of the Department of Alcoholism and Substance Abuse.

"License" means the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law.

"Licensing" means the agency process respecting the grant, denial, renewal, revocation or suspension of a license.

"Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

## Section 2000.30 Authority of Department

The Department may deny, suspend or revoke any license or application for renewal by a finding after the applicant or licensee has had an opportunity for a hearing.

## Section 2000.40 Notice

- a) Before denial, suspension or revocation of a license, the Director shall send the applicant or licensee a notice of hearing by registered or certified mail, notifying the person of the Department's intention to deny, suspend or revoke a license and the reasons therefor. Such notice shall contain the name of the hearing officer and a proposed date for hearing. In no event shall such date be later than 30 days after the date of notice. Should such date not be agreeable to the applicant or licensee, date mutually agreeable to the parties shall be established.
- b) A written statement of charges, allegations or reasons shall be included within or provided with the notice. The statement shall set out specifically the purported violations, identifying the statute section, the rule, the standard and/or the federal regulation. Other

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factual data shall be stated where such are necessary for clarification to enable the applicant or licensee to be reasonably informed of the basis of the proposed denial, suspension or revocation.

## Section 2000.50 Injunctive Process

Notwithstanding any other rule or regulation, the Department may, without prior notification, apply to the circuit court of venue to enjoin any act or practice on the part of an applicant or licensee which, in the opinion of the Department, constitutes or will constitute a violation of the Act and the rules prescribed thereunder. An injunction will be sought in any situation wherein there is the immediate danger of serious harm if that situation is allowed to go unabated, and that there is no other manner in which this situation may be immediately rectified other than through the injunction process.

## Section 2000.60 Suspension Prior to Hearing

The Department may suspend a license of any person prior to a hearing where the Department determines there has been a violation of the Act or any rules or regulations promulgated thereunder where delay in action would endanger the health, safety, or welfare of clients, staff members or the public. Upon receipt of notice of such suspension, the licensee shall deliver his license(s) to the Department without delay. Formal hearings relative to the permanent revocation of the license(s) shall be conducted as soon as practicable after delivery of the license(s) to the Department, but the date for hearing shall not be set later than 30 days.

## Section 2000.70 Hearing Officer

- a) All hearings shall be conducted by the Department or by a hearing officer of the Department. Hearings shall be conducted at:

Department of Alcoholism and Substance Abuse  
State of Illinois Center  
100 W. Randolph Street, Suite 5-600  
Chicago, IL 60617

- or at another location where agreed to by the parties.
- b) All hearings shall be held by the Director or by a hearing officer appointed by the Director. If a party to the hearing shall believe the hearing officer selected to conduct such hearing is biased against said party or the party's attorney, then the party shall make a request in writing to the Director at least 14 days prior to the date set for hearing to substitute another hearing officer. The request shall be accompanied by an affidavit setting out specific facts upon which the claim of prejudice is based and shall be signed by the party or officer or attorney therefor. Upon receipt of the request, the



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Director shall determine whether sufficient evidence is present to show prejudice on the part of the hearing officer. In determining the existence of prejudice, the Director will use the standards set forth in Supreme Court Rules 66 and 67 (Ill. Rev. Stat. 1985, ch. 110A, par. 66, 67.) The Director shall appoint a substitute hearing officer if the Director finds that prejudice exists.

**Section 2000.80 Mailings**

All notices, correspondence and pleadings in connection with hearings specified in this Part shall be sent by registered or certified mail, return receipt requested, to the address of the Department and to the mailing address provided by the applicant or licensee, or to the address of the attorney for the applicant or licensee whose appearance is on file with the Department.

**Section 2000.90 Early Termination of Proceedings**

At any time after the date of the notice of hearing but before the final order of the Director or the hearing officer, the proceedings may be terminated only after the Department or the hearing officer is satisfied that the applicant or licensee shall comply with the provisions of the Act and the rules and regulations promulgated thereunder. A written stipulation signed by the parties memorializing the applicant's or licensee's intentions, efforts and corrective actions performed or to be performed shall be included in the record of such proceedings.

**Section 2000.100 Parties and Representation**

The parties in the proceedings shall be the Department or its representative, the applicant or licensee, any intervenor whose petition for leave to intervene has been granted. Any employee of the applicant or licensee may be determined to be a party. A natural person may appear and be heard in his own behalf. A corporation, association or partnership may appear and present evidence only through an attorney at law authorized to practice in the State of Illinois. Any party may appear and be heard by an attorney at law authorized to practice in the State of Illinois, provided that an entry of appearance has been filed with the Department. Only persons admitted to practice as attorneys and counselors at law in the State of Illinois shall represent another before the Department or hearing officer in any matter involving legal skills and knowledge.

**Section 2000.110 Intervenor**

- a) The Director or the hearing officer shall grant a person leave to intervene in the proceedings prior to the hearing of evidence when:
- 1) the petitioner can show an interest in the proceeding which may not be adequately represented by the parties to the proceedings; or

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- 2) the petitioner may be affected by the Department's final administrative decision; or
  - 3) the petitioner is another agency of the State of Illinois which has an interest (e.g. a statutory right or duty which may be affected) in the matter which is before the Department.
- b) In determining whether to allow intervention, the following shall be considered: whether the intervention will unduly delay the hearing, prejudice the rights of any parties, be unduly burdensome to any party, enlarge the scope of the proceedings, insert new issues into the proceedings, or whether there are other remedies available to the petitioners.
- c) Every petition for leave to intervene shall contain:
- 1) The name of the petitioner.
  - 2) A plain and concise statement of the petitioner's interest.
  - 3) A prayer for leave to intervene and to be treated as a party to the proceedings.
  - 4) If affirmative relief is sought, prayers for such relief, which may be in the alternative.
- d) The decision of the Director or Hearing Officer shall be considered as a final Agency Order and subject to the provisions of the Administrative Review Law.

**Section 2000.120 Pre-hearing Conferences**

- a) A pre-hearing conference may be scheduled either at the discretion of the Director or as the result of a request pursuant to paragraph (b) of this Section.
- b) Any party to the proceeding may request the scheduling of a pre-hearing conference. Such request shall be made in writing to the Director or the hearing officer and received at least seven (7) working days prior to the scheduled hearing date.
- c) The purpose of a pre-hearing conference is to formulate specific issues and, if possible, to reach a compromise settlement agreeable to the parties.
- d) If no settlement is agreed upon, the matter shall proceed to a hearing on the scheduled date.
- e) Record of pre-hearing conference
  - 1) No official court stenographer is required to be present at an informal hearing. Any party may request that an official report be present to record and transcribe the proceedings; such charges shall be borne by the party so requesting. Copies of the transcript may be obtained by any party upon payment of the appropriate fees.
  - 2) In the event that an official court report is not engaged to record the proceedings, a written memorandum signed by the parties may be created to memorialize the agreements, understandings and conclusions reached by the parties.
- 3) An unofficial record of the informal hearing may be made upon the

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approval of the Director or the hearing officer by mechanical, electrical, electronic or visual recording device. Such unofficial record shall be used only for clarification and summarization of agreements, understandings and conclusions to be transcribed into a permanent written memorandum.

**Section 2000.130 Conduct of Hearings**

a) The Director or hearing officer shall have authority to do any or all of the following:

- 1) Issue any subpoena or subpoenas duces tecum to compel the attendance and testimony of witnesses and the production of books and records.
- 2) Rule upon petitions with respect to subpoenas and subpoenas duces tecum.
- 3) Rule upon all pleadings, motions and petitions, whether procedural or substantive in nature.
- 4) Take or cause to be taken depositions (Ill. Rev. Stat. 1985, ch. 110, par. 2-1003), as provided in civil actions in the circuit court, whenever the Director, hearing officer, or party cannot procure the attendance of a witness to give testimony or to produce books and records.
- 5) Regulate the hearing and, where appropriate or necessary, exclude any person or persons, including counsel, whose conduct is contemptuous or disruptive.
- 6) Hold conferences for the purpose of clarifying, settling or simplifying the issues.
- 7) Dismiss the charges or allegations or any portion thereof.
- 8) Order hearings reopened whenever a party shows the existence of additional evidence, unavailable at the earlier hearing which has the potential to affect the decision rendered.
- 9) Order hearings involving the same party to be consolidated.
- 10) Call and examine witnesses.
- 11) Request the parties at any time during the hearing to state their respective positions concerning any issue and to present reasons in support of such position.
- 12) Convene, adjourn and continue the hearing as the needs of justice and good administration may require.

b) Evidence and witnesses

- 1) The Director or hearing officer shall not be bound by the formal rules of evidence. The parties shall be given adequate opportunity to present evidence and oral and written arguments on any issue of fact or law. All evidence having probative value, relevant and material to facts and issues, will be admitted, subject only to objections as to the weight thereof. Immaterial, irrelevant and merely cumulative evidence shall be excluded.
- 2) Any party may conduct direct examination or cross-examinations for the purpose of full and fair disclosure of the matters in

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issue. Any party may submit evidence in rebuttal and surrebuttal.

- 3) If the Director or the hearing officer determines that a witness is either hostile or unwilling, the Director or hearing officer may authorize the party calling such witness to treat the witness as if under cross-examination.
- 4) Any party may call any adverse party as a witness without vouching for the witnesses credibility and may examine the witness as if such adverse party were under cross-examination. Any party calling a witness, upon a showing that the party was called in good faith and the party is surprised by the witnesses testimony, may impeach the witness by evidence of prior inconsistent statements.
- 5) An evidence deposition may be used in lieu of other evidence when taken in compliance with Illinois Supreme Court Rules (Ill. Rev. Stat. 1985, ch. 110A, par. 212) governing evidence depositions (Ill. Rev. Stat. 1985, ch. 110 (A), par. 212).
- 6) Notwithstanding anything herein to the contrary, the rules of privilege recognized by law shall be given effect with regard to any evidence offered or attempted to be offered in discovery or at the hearing.
- c) Client confidentiality  
During every stage of proceedings, records or the identity, diagnosis, prognosis or treatment of any client which are maintained in connection with the performance of any drug abuse function authorized or assisted under any provision of the Act shall be confidential. Where the Director or the hearing officer determines that client records or data contained in the client records must be disclosed to ensure the just outcome of the hearing, disclosure is permitted after the purposes and uses have been established in the proceedings record. Such records and data shall not contain any reference to the identity of a particular client except by client number.

**Section 2000.140 Form of Pleading or Motion**

- a) There are no specific requirements as to form of pleadings or motions. Pleadings are required to contain a caption sufficient to identify the parties and a clear and plain statement of the issues contested, the relief sought, and the grounds therefor. A docket number will be assigned to the hearing by the Department or the hearing officer. All pleadings, motions, or other documents shall be prepared on 8 1/2" x 11" paper.
- b) Pleadings shall be signed by the parties filing them or by their representatives, and such signature constitutes a representation by the signer that the signer has read the document and that to the best of the signer's knowledge, information and belief, the statements made there in are true and the pleadings are not made for the purpose of delay.

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- c) All pleadings, motions or other documents after the notice of hearing shall be filed in duplicate with the Department, together with the pleader's certification of service by registered or certified mail or personnel service upon all other parties to the proceedings.

**Section 2000.150 Subpoenas**

- a) Subpoenas for the attendance of witnesses from any place or for the production of books, records or documents at a hearing will be issued by the Director or the hearing officer upon the Director's or the hearings officer's own motion.
- b) Applications for subpoenas to compel the production of books, records and/or documents shall specify as clearly as possible the books, records and/or documents to be produced and the material and relevant facts to be proved thereby.
- c) A subpoena issued shall be served in the fashion prescribed by the Code of Civil Procedure (Ill. Rev. Stat. 1985, ch. 110, pars. 101 et. seq.)

**Section 2000.160 Witness Fees**

- a) Witnesses subpoenaed before the Director or hearing officer shall be paid the same fees and mileage as are paid in State court proceedings, either when the witness is excused from further attendance or when the subpoena is actually served. Where the subpoena is issued at the instance of a party other than the Department, the witness fee and mileage charges are to be borne by such other party (Ill. Rev. Stat. 1985, ch. 53, par. 62).
- b) Witnesses whose depositions are taken and the persons whose attendance is required shall be entitled to the same fees paid for such services in the State courts. All expenses in connection with the taking of a deposition, including court reporter fees, shall be borne by the party at whose instance the deposition was taken.

**Section 2000.170 Continuances and Extensions of Time**

Continuances and extensions of time may be granted by the Director or hearing officer for good cause shown. Good cause is a bonafide reason on the part of the Department or any party to the hearing which would prevent the hearing from being held or completed as scheduled (e.g. illness of a party or an immediate family member, unavailability of counsel, etc.).

**Section 2000.180 Ex parte Communication**

The Director or hearing officer shall not, after notice of hearing or other on-the-record proceeding, communicate with respect to the merits of any case not concluded with any party, or any person interested in the outcome of the proceeding except upon notice and opportunity for all parties to participate.

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**Section 2000.190 Transcript of Hearing**

An official court reporter shall be engaged to make and transcribe a stenographic record of the hearings. The Department will provide for such copies of the transcript as it may require for its purposes. No copies of the transcript will be provided to the parties by the Department, but copies may be obtained from the official reporter upon payment of the appropriate costs.

**Section 2000.200 Record of Hearing**

The record of any formal hearing shall include:

- a) The notice of hearing and the charges of allegations of violation of the Act and the rules promulgated thereunder.
- b) The pleadings, motions, briefs and arguments, affidavits, exhibits, documents and records, and the transcript of the proceedings containing the evidence, conclusions of law and fact, and the determination and recommendations of the Director or the hearing officer.
- c) The final orders or decisions made by the hearing officer or Director.

**Section 2000.210 Hearing Officer's Report and Final Decision**

- a) At the conclusion of a hearing at which the Director has not presided, the hearing officer shall make a written report of the hearing, with findings of fact, conclusions of law and recommendations, if any, to the Director. The report shall be accompanied by a transcript of the record, which shall contain those items set forth in Section 10-35 of the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1991, ch. 127, par. 1010-35).
- b) The Director shall make a final decision in writing within 60 days of the conclusion of the hearing, supported by concise findings of fact and conclusions of law.
- c) A copy of the decision shall be served personally or by certified or registered mail upon all parties of record or their agents appointed to receive service. Such decision shall be a final agency decision.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers

- 2) Code Citation: 59 Ill. Adm. Code 258

- 3) Section Numbers:  
258.260 Emergency Action:  
258.270 Amended  
Repealed

- 4) Statutory Authority: Implementing Sections 3-207, 3-208, 3-300, 3-400, 3-405, 3-502, 3-504, 3-601, 3-601.1, 3-603, 3-606, 3-607, 3-702, 3-704, 3-706, 3-810, 3-811, 3-812, 3-902 and 3-909 [405 ILCS 5/3-207, 3-208, 3-300, 3-400, 3-405, 3-502, 3-504, 3-601, 3-601.1, 3-603, 3-606, 3-607, 3-702, 3-704, 3-706, 3-810, 3-811, 3-812, 3-902 and 3-909] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

- 5) Effective Date of Amendments: April 2, 1999

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date filed with the Index Department: April 2, 1999

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: Filed in conjunction with Emergency rulemaking on 59 Ill. Adm. Code 50, Office of Inspector General (OIG). Provides for the hearing process referenced in 59 Ill. Adm. Code 50, OIG.

- 10) A Complete Description of the Subject and Issues Involved: This rulemaking is part of the Department's effort to consolidate all hearings covered by the Illinois Administrative Procedure Act. Section 258.270 is being repealed and replaced with the new DHS rulemaking on "Administrative Hearings" 89 Ill. Adm. Code 508. The specific requirement regarding actions to be taken by the Department if the affected agency does not request a hearing, or after the hearing if it is determined the agreement should be denied, is being amended into Section 258.260. This Section is also amended to refer appellants to the new rule.

- 11) Are there any other amendments pending on this Part? No

- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## TITLE 59: MENTAL HEALTH

## CHAPTER I: DEPARTMENT OF HUMAN SERVICES

## PART 258

STANDARDS AND REQUIREMENTS FOR  
PRE-ADMISSION SCREENING AND PARTICIPATING MENTAL HEALTH  
CENTERS

## SUBPART A: GENERAL PROVISIONS

## Section

258.100 Purpose  
258.110 Incorporation by reference  
258.120 Individuals' rights  
258.130 Definitions

## SUBPART B: PARTICIPATING MENTAL HEALTH CENTER REQUIREMENTS

## Section

258.200 Applicability  
258.210 Criteria for application and participation  
258.220 Application and formal agreement  
258.230 Renewal of formal agreement  
258.240 Non-transferability of formal agreement  
258.250 Withdrawal  
258.260 Denial of or revocation of formal agreement

## EMERGENCY

258.270 Hearings regarding denial or revocation of formal agreement  
(Repealed)  
258.280 Annual directory

## SUBPART C: SCREENING AND DISPOSITION SERVICES

## Section

258.300 Screening service requirements  
258.310 State-operated facility admission criteria  
258.320 State-operated facility admission disposition  
258.330 Court-ordered admissions  
258.340 Admission of individuals alleged to be subject to involuntary admission  
258.350 Court linkage  
258.360 Linkage and continuity of care  
258.370 Confidentiality  
258.380 Clinical records  
258.390 Service area boundaries, community service area boundaries and requirements  
258.400 Responsibility for undomiciled individuals and individuals from a

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

geographic area other than that served by the participating mental health center  
Interagency linkages

258.410

## SUBPART D: QUALITY ASSURANCE

## Section

258.500 Quality assurance requirements and performance indicators  
258.510 Contract dispute resolution  
258.520 Disposition dispute resolution process  
258.530 Utilization review hearings  
258.540 Complaint investigation

AUTHORITY: Implementing Sections 3-207, 3-208, 3-300, 3-400, 3-405, 3-502, 3-504, 3-601, 3-603, 3-606, 3-607, 3-702, 3-704, 3-706, 3-810, 3-811, 3-812, 3-902 and 3-909 [405 ILCS 5/3-207, 3-208, 3-300, 3-400, 3-405, 3-502, 3-504, 3-601, 3-603, 3-606, 3-607, 3-702, 3-704, 3-706, 3-810, 3-811, 3-812, 3-902 and 3-909] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Adopted at 19 Ill. Reg. 8203, effective June 15, 1995; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; emergency amendment at 23 Ill. Reg. 4545, effective April 2, 1999, for a maximum of 150 days.

## SUBPART B: PARTICIPATING MENTAL HEALTH CENTER REQUIREMENTS

## Section 258.260 Denial of or revocation of formal agreement

## EMERGENCY

a) The Department may deny or revoke an agreement at any time if the PMHC:

- 1) Fails to comply with the service requirements identified in Subpart C of this Part;
- 2) Fails to comply with the general agency requirements identified in Subpart B of this Part; or quality assurance requirements identified in Subpart D of this Part;
- 3) Fails to correct deficiencies identified as a result of an on-site review by the Department;
- 4) Submits false information either on Department forms or during an on-site review;
- 5) Refuses to permit or participate in an on-site review;
- 6) Willfully violates any rights of individuals being served;
- 7) Fails to comply with the terms of the formal agreement; or
- 8) Conducts itself so as to present a conflict of interest with the role of a PMHC.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- b) If the Department determines that the health and safety of individuals is at risk, the agreement shall be revoked, at the Department's discretion, as soon as practical while preserving the health and safety of the individuals served by the PMHC. The Department shall immediately take all steps necessary to insure the health and safety of all affected individuals.
- c) Notice of intent to revoke will be given 90 days prior to the date of revocation, if the health and safety of individuals is not at risk.
- d) The 90 days notice period may be used by the PMHC to correct deficiencies, and on submission of proof of correction, the revocation may be reversed.
- e) The Department shall refuse to enter into an agreement or renew an agreement or shall revoke an agreement with an applicant if the owner and/or authorized representative of the applicant or licensee has been convicted of a felony, or a misdemeanor involving moral turpitude, as shown by a certified copy of the court judgment of conviction.
- f) If a PMHC contests the Department's decision regarding the denial or revocation of the agreement, it can request a hearing pursuant to 85 Ill. Adm. Code 5087-Section-250-270 by providing written notice of the request.
- g) If the agency does not request a hearing, or, if after conducting a hearing, the Department determines that the agreement should be denied or revoked, the Department shall proceed with the revocation or denial of the formal agreement.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 4547 effective April 2, 1999, for a maximum of 150 days)

**Section 258.270 Hearings regarding denial or revocation of formal agreement (Repealed)**  
**EMERGENCY**

- a) An agreement may not be denied or revoked unless the agency is given written notice of the grounds for the Department's action.
- b) The agency may appeal the Department's proposed action by making a written request to the Director for a hearing within 15 days after the postmark date of the Department's written notice.
- c) The Department shall schedule a hearing within 20 working days after receipt of the request for appeal. The agency shall be notified by registered mail not less than 14 days prior to the date of the hearing. The notice shall include the date, time and place of the hearing and a short statement of the issues to be decided.
- d) The hearing shall be conducted by an administrative law judge authorized by the Secretary to conduct such hearings.
- e) Prior to the hearing date, the administrative law judge may hold a conference, either personally or by telephone, to resolve or narrow issues.
- f) At the hearing, both parties may present written and oral evidence.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- g) The administrative law judge shall issue his or her written decision within 15 working days after the hearing. The decision shall include a statement of facts about the appeal and the administrative law judge's conclusions. Copies of the decision shall be sent to the agency and the Department.
- h) If the agency is not satisfied with the administrative law judge's decision, it may request a review of the decision by the Secretary or his or her designee. The request must be made in writing to the Secretary no later than 10 working days after the postmark date of the decision.
- i) On receipt of the request for review, the Secretary or his or her designee shall review the administrative law judge's decision and copies of all documents considered at the hearing. Within 20 working days after receipt of the request for review, the Secretary or his or her designee shall issue a written decision upholding or reversing the administrative law judge's decision. Copies of the decision shall be sent to the Department and the agency.
- j) The Secretary or his or her designee's decision shall constitute a final administrative decision.
- k) If the agency does not request a hearing or if after conducting a hearing, the Department determines that the agreement should be denied or revoked, the Department shall issue an order to that effect.

(Source: Repealed by Emergency rulemaking at 23 Ill. Reg. 4547 effective April 2, 1999, for a maximum of 150 days)



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: WIC Vendor Management Code
- 2) Code Citation: 77 Ill. Adm. Code 672
- 3) Section Numbers: Emergency Action:  
672.600 Amended
- 4) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].
- 5) Effective Date of Amendments: April 2, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: April 2, 1999
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Filed in conjunction with emergency rulemaking on 59 Ill. Adm. Code 50, Office of Inspector General (OIG). Provides for the hearing process referenced in 59 Ill. Adm. Code 50, OIG.
- 10) A Complete Description of the Subject and Issues Involved: The amendment to this Section 672.600 amends the Section to add references to 89 Ill. Adm. Code 508 and to remove duplicative and sometimes conflicting rules. These hearings will now be covered by the DHS Administrative Hearings Rule (Part 508).
- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate
- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield Illinois 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

The full text of the Emergency Amendments begins on the next page.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER X: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

## PART 672

## WIC VENDOR MANAGEMENT CODE

## SUBPART A: GENERAL PROVISIONS

## Section

672.100

Definitions

672.105

Incorporated and Referenced Materials

672.110

Purpose

672.115

Application of These Rules

## SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

## Section

672.200

Geographic Distribution and Number of Vendors

672.205

Application Procedures

672.210

Authorization Criteria and Procedures

672.215

WIC Food List and Quantities

672.220

Criteria for Denial of Authorization

672.225

Denial of Authorization

## SUBPART C: WIC VENDOR EDUCATION

## Section

672.300

Initial WIC Retail Training by the Department

672.305

Initial WIC Retail Training by a Vendor

672.310

Annual WIC Retail Training Program

672.315

Compliance Training Workshop (Repealed)

## SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

## Section

672.400

Authorization

672.405

WIC Vendor Contract Requirement

672.410

Expiration of WIC Vendor Authorization and Contract

672.415

Food Instrument Processing

672.420

Specifications for Rejection of Food Instruments

672.425

WIC Retail Vendor Responsibilities

672.430

Payment Obligation

672.435

Conflict of Interest

672.440

Unlawful Discrimination

672.445

Amendments Resulting From a Change in Statute or Regulation

672.450

Assignment or Transfer

672.455

Civil Law Suits

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

672.460 Voluntary Withdrawal from the WIC Vendor Contract  
672.465 Notices

## SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

## Section

672.500

Compliance Monitoring Inspections

672.505

Violations

672.510

WIC Vendor Sanctions

672.515

Criteria for Termination or Suspension of Authorization, Prohibition, and/or Fine Assessment

672.520

Breach of Contract

672.525

Notice of Violation (Repealed)

## SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

## Section

672.600

Hearings

## EMERGENCY

672.605

Parties to Hearings (Repealed)

672.610

Appearance and Representation of a Party

672.615

Commencement of an Action (Repealed)

672.620

Motions (Repealed)

672.625

Discovery (Repealed)

672.630

Form of Papers (Repealed)

672.635

Service (Repealed)

672.640

Pre-Hearing Conferences (Repealed)

672.645

Conduct of Hearings (Repealed)

672.650

Subpoenas (Repealed)

672.655

Burden of Proof (Repealed)

672.660

Administrative Law Judge's Report and Final Decision (Repealed)

672.665

Records of Proceedings (Repealed)

672.670

Miscellaneous (Repealed)

## APPENDIX A Illinois Regional Map

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].

SOURCE: Adopted at 14 Ill. Reg. 19984, effective December 1, 1990; amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 18 Ill. Reg. 2450, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 13125, effective August 12, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 606, effective January 9, 1995; amended at 19 Ill. Reg. 16086, effective November 20, 1995; amended at 21 Ill. Reg. 3960, effective March 15, 1997; recodified from the Department of Public Health to the Department of Human Services at 21 Ill. Reg. 9323; emergency amendment at 22 Ill. Reg. 3127,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

effective January 22, 1998, for a maximum of 150 days; emergency expired on June 20, 1998; amended at 22 Ill. Reg. 18960, effective October 1, 1998; emergency amendment at 23 Ill. Reg. ~~45190~~ <sup>45190</sup> effective April 2, 1999, for a maximum of 150 days.

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section 672.600 Hearings  
EMERGENCY

Any sanctions imposed pursuant to Section 672.225 or 672.510 of this Part shall afford the adversely affected party thereto the opportunity to appeal such action by requesting a hearing within fifteen (15) calendar days after receipt of notice. Notices issued and hearings held shall be in accordance with 89 Ill. Adm. Code 508. ~~Until superseded by a rule promulgated by the Department of Human Services for hearings notices issued and hearings held shall be in accordance with the Department of Public Health's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) except that when used for WIC hearings, the term "Department" shall mean the Department of Human Services rather than the Department of Public Health, with the addition of the following provisions:~~

- a) An administrative hearing must be requested within fifteen (15) calendar days after receipt of notice. Failure to request a hearing within this time frame shall constitute a waiver of the person's right to an administrative hearing.
- b) ~~Motions for a continuance shall be granted only in accordance with Section 2-1007 of the Code of Civil Procedure (Ill. Rev. Stat. 1991 ch. 110, par. 2-1007) (95-1569-5/2-1007). Motions for continuance shall be in writing and filed at least three (3) calendar days prior to the hearing. Such motions shall state the basis for the request and all steps taken to avoid the necessity of a continuance.~~
  - 1) Only one continuance each shall be allowed for the Vendor Applicant and the Department. No continuance may be for more than fourteen (14) calendar days.
  - 2) After one continuance has been granted to a party, an additional continuance may be granted to that party only if there is a bona fide emergency or "Act of God."
- be) The burden of proof rests with the Department in relation to all administrative actions initiated by the Department pursuant to Section 672.510.
- cd) The burden of proof rests with the Applicant as to all administrative actions initiated upon a petition for hearing filed by an Applicant after the denial of Authorization under Section 672.225.
- e) ~~Construction of Rules: This Part shall not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois, in case of any conflict~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

~~between this Part and the WIC Vendor Management Act; the terms of the latter shall control. In case of any conflict between this Part and Article II of the Code of Civil Procedure or the Supreme Court practice rules, the terms of this Part shall control.~~  
 2) ~~Waiver of compliance with any of the provisions of Subpart F of this Part or with any or all provisions of the IAPA regarding contested cases may be waived by written stipulation of all parties.~~

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 2, 1999, for a maximum of 150 days)

45190



## DEPARTMENT OF CORRECTIONS

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of the Part: Authorized Absences2) Code Citation: 20 Ill. Adm. Code 530

<u>Section Numbers:</u>	<u>Proposed Action:</u>
530.10	Amend
530.12	Add
530.15	Add
530.20	Amend
530.40	Amend
530.50	Amend
530.60	Amend
530.100	Amend
530.102	Add
530.105	Add
530.110	Amend
530.120	Amend
530.130	Amend
530.200	Amend
530.202	Add
530.205	Add
530.210	Amend
530.215	Add
530.220	Amend
530.300	Amend
530.305	Add
530.310	Amend
530.320	Amend
530.330	Amend
530.340	Amend
530.400	Add
530.402	Add
530.405	Add
530.410	Add
530.420	Add
530.430	Add
530.500	Add
530.502	Add
530.505	Add
530.510	Add

4) Date Notice of Proposed Amendments Published in the Illinois Register:  
September 11, 1998, 22 Ill. Reg. 161005) Reason for the Withdrawal The Department of Corrections is withdrawing the proposed rulemaking on 20 Ill. Adm. Code 530 titled "Authorized Absences" due to procedural reviews being conducted by the new Administration.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of the Part: Work Release Programs2) Code Citation: 20 Ill. Adm. Code 455

<u>Section Numbers:</u>	<u>Proposed Action:</u>
455.10	Amend
455.15	Add
455.20	Amend
455.30	Amend
455.40	Amend
455.50	Amend
455.55	Add
455.60	Amend
455.70	Amend
455.80	Repeal
455.90	Add

4) Date Notice of Proposed Amendments Published in the Illinois Register:September 11, 1998, 22 Ill. Reg. 16122  
(issue date)5) Reason for the Withdrawal The Department of Corrections is withdrawing proposed rulemaking on 20 Ill. Adm. Code 455 titled "Work Release Programs" due to procedural reviews being conducted by the new Administration.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
APRIL 20, 1999

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

*It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAging

1. Community Care Program (89 Ill Adm Code 240)  
-First Notice Published: 22 Ill Reg 15753 ■ 9/4/98  
-Expiration of Second Notice: 4/23/99

Central Management Services

2. State (of Illinois) Employees' Deferred Compensation Plan (80 Ill Adm Code 2700)  
-First Notice Published: 23 Ill Reg 378 - 1/8/99  
-Expiration of Second Notice: 5/6/99

Children and Family Services

3. Department of Children and Family Services Scholarship Program (89 Ill Adm Code 312)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
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APRIL 20, 1999

- First Notice Published: 22 Ill Reg 21140 - 12/11/98  
-Expiration of Second Notice: 5/13/99

4. Public Notice of Change in License (89 Ill Adm Code 376)  
-First Notice Published: 22 Ill Reg 19972 - 11/20/98  
-Expiration of Second Notice: 5/13/99

Commerce Commission

5. Certification of Alternative Retail Electric Suppliers (83 Ill Adm Code 451)  
-First Notice Published: 23 Ill Reg 1 - 1/4/99  
-Expiration of Second Notice: 4/30/99

Commerce and Community

6. State Administration of the Federal Community Development Block Grant Program for Small Cities (47 Ill Adm Code 110)  
-First Notice Published: 22 Ill Reg 20658 - 12/4/98  
-Expiration of Second Notice: 4/23/99

Corrections

7. Research and Evaluation (20 Ill Adm Code 106)  
-First Notice Published: 22 Ill Reg 16118 - 9/11/98  
-Expiration of Second Notice: 5/13/99

Elections

8. Procurement (44 Ill Adm Code 2600)  
-First Notice Published: 22 Ill Reg 20441 ■ 11/30/98  
-Expiration of Second Notice: 5/2/99

Human Services

9. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)  
-First Notice Published: 22 Ill Reg 15872 - 9/4/98  
-Expiration of Second Notice Period: 4/23/99
10. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)  
-First Notice Published: 22 Ill Reg 21226 - 12/11/98  
-Expiration of Second Notice: 5/2/99

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
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SPRINGFIELD, ILLINOIS  
9:00 A.M.  
APRIL 20, 1999

11. General Assistance (89 Ill Adm Code 114)  
-First Notice Published: 22 Ill Reg 15901 - 9/4/98  
-Expiration of Second Notice: 4/23/99
12. Program Description (89 Ill Adm Code 676)  
-First Notice Published: 23 Ill Reg 47 - 1/4/99  
-Expiration of Second Notice: 5/2/99
13. Service Planning and Provision (89 Ill Adm Code 684)  
-First Notice Published: 23 Ill Reg 71 - 1/4/99  
-Expiration of Second Notice: 5/2/99
14. Provider Requirements, Type Services, and Rates of Payment (89 Ill Adm Code 686)  
-First Notice Published: 23 Ill Reg 59 - 1/4/99  
-Expiration of Second Notice: 5/2/99
- Insurance
15. Insurance Department Complaints (50 Ill Adm Code 926)  
-First Notice Published: 22 Ill Reg 19171 - 10/23/98  
-Expiration of Second Notice: 5/5/99
16. Health Maintenance Organization (50 Ill Adm Code 5421)  
-First Notice Published: 23 Ill Reg 626 - 1/15/99  
-Expiration of Second Notice: 5/5/99
- Natural Resources
17. White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)  
-First Notice Published: 22 Ill Reg 22160 - 12/28/98  
-Expiration of Second Notice: 5/16/99
18. White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill Adm Code 660)  
-First Notice Published: 22 Ill Reg 22171 - 12/28/98  
-Expiration of Second Notice: 5/16/99
19. Illinois List of Endangered and Threatened Fauna (17 Ill Adm Code 1010)  
-First Notice Published: 22 Ill Reg 17283 - 10/2/98  
-Expiration of Second Notice: 4/22/99

Nuclear Safety

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
APRIL 20, 1999

20. Fees for Radioactive Material Licensees and Registrants (32 Ill Adm Code 331)  
-First Notice Published: 23 Ill Reg 1226 - 1/29/99  
-Expiration of Second Notice: 5/1/99
- Professional Regulation
21. Acupuncture Practice Act (68 Ill Adm Code 1140)  
-First Notice Published: 22 Ill Reg 21293 - 12/11/98  
-Expiration of Second Notice: 4/30/99
22. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 Ill Adm Code 1175)  
-First Notice Published: 23 Ill Reg 1493 - 2/5/99  
-Expiration of Second Notice: 5/7/99
23. Illinois Dental Practice Act (68 Ill Adm Code 1220)  
-First Notice Published: 22 Ill Reg 18797 - 10/16/98  
-Expiration of Second Notice: 4/22/99
24. Nursing Home Administrators Licensing and Disciplinary Act (68 Ill Adm Code 1310)  
-First Notice Published: 22 Ill Reg 20739 - 12/4/98  
-Expiration of Second Notice: 4/30/99
25. Optometric Practice Act of 1987 (68 Ill Adm Code 1320)  
-First Notice Published: 23 Ill Reg 123 - 1/4/99  
-Expiration of Second Notice: 4/22/99
26. Clinical Social Work and Social Work Practice Act (68 Ill Adm Code 1470)  
-First Notice Published: 22 Ill Reg 19203 - 10/23/98  
-Expiration of Second Notice: 4/22/99
- Public Aid
27. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 22 Ill Reg 21798 - 12/18/98  
-Expiration of Second Notice: 5/13/99
28. Specialized Health Care Delivery Systems (89 Ill Adm Code 146)  
-First Notice Published: 22 Ill Reg 20769 - 12/4/98  
-Expiration of Second Notice: 5/14/99



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
APRIL 20, 1999

29. Hospital Services (89 Ill Adm Code 148)  
-First Notice Published: 22 Ill Reg 21786 - 12/18/98  
-Expiration of Second Notice: 5/13/99
- Public Health
30. Health Care Facility and Program Initial Certification Fee Code (77 Ill Adm Code 230)  
-First Notice Published: 22 Ill Reg 15946 - 9/4/98  
-Expiration of Second Notice: 5/13/99
31. Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)  
-First Notice Published: 22 Ill Reg 13561 - 7/24/98  
-Expiration of Second Notice: 5/13/99
32. Sheltered Care Facilities Code (77 Ill Adm Code 330)  
-First Notice Published: 22 Ill Reg 13522 - 7/24/98  
-Expiration of Second Notice: 5/13/99
33. Illinois Veterans' Homes Code (77 Ill Adm Code 340)  
-First Notice Published: 22 Ill Reg 13397 - 7/24/98  
-Expiration of Second Notice: 5/13/99
34. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)  
-First Notice Published: 22 Ill Reg 13432 - 7/24/98  
-Expiration of Second Notice: 5/13/99
35. Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)  
-First Notice Published: 22 Ill Reg 13480 - 7/24/98  
-Expiration of Second Notice: 5/13/99
36. Illinois Swimming Pool and Bathing Beach Code (77 Ill Adm Code 820)  
-First Notice Published: 23 Ill Reg 1250 - 1/29/99  
-Expiration of Second Notice: 5/15/99
- Revenue
37. Payment of Taxes by Electronic Funds Transfer (86 Ill Adm Code 750)  
-First Notice Published: 22 Ill Reg 20797 - 12/4/98  
-Expiration of Second Notice: 4/30/99

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
APRIL 20, 1999

EMERGENCY AND PEREMPTORY RULEMAKINGSAgriculture

38. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)  
-Notice Published: 23 Ill Reg 3851 - 3/26/99

Financial Institutions

39. Illinois Credit Union Act (38 Ill Adm Code 190) (Emergency)  
-Notice Published: 23 Ill Reg 3086 - 3/12/99

Health Facilities Planning Board

40. Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130) (Emergency)  
-Notice Published: 23 Ill Reg 3835 - 3/26/99

Public Health

41. Hospital Licensing Requirements (77 Ill Adm Code 250) (Emergency)  
-Notice Published: 23 Ill Reg 3508 - 3/19/99

Revenue

42. Public List of Delinquent Taxpayers (86 Ill Adm Code 710) (Emergency)  
-Notice Published: 23 Ill Reg 3521 - 3/19/99

Secretary of State

43. Literacy Grant Program (23 Ill Adm Code 3040) (Emergency)  
-Notice Published: 23 Ill Reg 4115 - 4/2/99

EXPEDITED CORRECTIONTransportation

44. Minimum Safety Standards for Construction of Type I School Buses (92 Ill Adm Code 440)

AGENCY RESPONSEPublic Health

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
APRIL 20, 1999

45. Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings (77 Ill Adm Code 855)

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 30, 1999 through April 5, 1999 and have been scheduled for review by the Committee at its April 20, 1999 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
5/13/99	Department of Children and Family Services, Department of Children and Family Services Scholarship Program (89 Ill Adm Code 312)	12/11/98 22 Ill Reg 21140	4/20/99
5/13/99	Department of Children and Family Services, Public Notice of Change in License (89 Ill Adm Code 376)	11/20/98 22 Ill Reg 19972	4/20/99
5/13/99	Department of Corrections, Research and Evaluation (20 Ill Adm Code 106)	9/11/98 22 Ill Reg 16118	4/20/99
5/13/99	Department of Public Health, Illinois Veterans' Homes Code (77 Ill Adm Code 340)	7/24/98 22 Ill Reg 13397	4/20/99
5/13/99	Department of Public Health, Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)	7/24/98 22 Ill Reg 13432	4/20/99
5/13/99	Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)	7/24/98 22 Ill Reg 13480	4/20/99
5/13/99	Department of Public Health, Sheltered Care Facilities Code (77 Ill Adm Code 330)	7/24/98 22 Ill Reg 13522	4/20/99
5/13/99	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	7/24/98 22 Ill Reg 13561	4/20/99
5/13/99	Department of Public Health, Health Care Facility and Program Initial Certification Fee Code (77 Ill Adm Code 15946)	9/4/98 22 Ill Reg 15946	4/20/99

## SECOND NOTICES RECEIVED

230)

5/13/99	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	12/18/98 22 Ill Reg 21798	4/20/99
5/13/99	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	12/18/98 22 Ill Reg 21786	4/20/99
5/14/99	Department of Public Aid, Specialized Health Care Delivery Systems (89 Ill Adm Code 146)	12/4/98 22 Ill Reg 20769	4/20/99
5/15/99	Department of Public Health, Illinois Swimming Pool and Bathing Beach Code (77 Ill Adm Code 820)	1/29/99 23 Ill Reg 1250	4/20/99
5/16/99	Department of Natural Resources, White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)	12/28/98 22 Ill Reg 22160	4/20/99
5/16/99	Department of Natural Resources, White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill Adm Code 660)	12/28/98 22 Ill Reg 22171	4/20/99

99-68  
ARTS IN EDUCATION SPRING CELEBRATION MONTHS (Revised)

WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and

WHEREAS, the Peoria County Regional Office of Education is committed to supporting the development and promotion of fine arts and applied arts programs; and

WHEREAS, the Arts in Education Spring Celebration, held at the Peoria County Courthouse, provides a venue for students in grades Pre-K through 12 to showcase their works and talents; and

WHEREAS, the 1999 Arts in Education Spring Celebration will be held April 12 through May 28, 1999;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April and May 1999 as *ARTS IN EDUCATION SPRING CELEBRATION MONTHS* in Illinois.

Issued by the Governor March 10, 1999.

Filed by the Secretary of State March 22, 1999.

## 99-72

## BUILDING SAFETY WEEK

WHEREAS, the well-being of every citizen in Illinois depends on the safety of the buildings in which they live, work and play; and

WHEREAS, code compliance in these buildings is the joint responsibility of building owners, building managers, architects, engineers, contractors and building officials; and

WHEREAS, the general public should recognize the importance of building safety codes, which protect the public's health and safety by regulating the structural, electrical, plumbing, mechanical fire safety, energy efficiency, accessibility, and other aspects of both newly constructed and existing buildings; and

WHEREAS, units of state and local government throughout the world are joining in expressing appreciation to the conscientious members of the building industry who ensure the safety of buildings throughout our state, the nation, and the world;

THEREFORE, I George Ryan, Governor of the State of Illinois, proclaim April 4-10, 1999, as *BUILDING SAFETY WEEK* in Illinois.

Issued by the Governor March 10, 1999.

Filed by the Secretary of State March 22, 1999.

## 99-73

## EARLY INTERVENTION, "LOOK WHAT I CAN DO" DAY

WHEREAS, early intervention services exist for children up to three years of age who may have been diagnosed with disabilities or developmental delays; and

WHEREAS, there is a statewide, family-centered early intervention services system in place established with the assistance of the Illinois Interagency Council on Early Intervention to help eligible children who are in need of early intervention services; and

WHEREAS, "Look What I Can Do" is a public awareness campaign designed to



educate families, policymakers, health care and child care professionals about the importance of reaching children early with the services essential to their growth and development; and

WHEREAS, "Look What I Can Do" is a proactive campaign emphasizing the importance of early intervention and is a coordinated effort at both the state and local levels to create a unified message; and

WHEREAS, this campaign should be commended and embraced for its potential success;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 23, 1999, as *EARLY INTERVENTION, "LOOK WHAT I CAN DO" DAY* in Illinois.

Issued by the Governor March 11, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-74

##### OLYMPIA HIGH SCHOOL WRESTLING TEAM DAY

WHEREAS, Mike Manahan has been coaching high school wrestling for 32 years; and

WHEREAS, the Olympia High School wrestling team made their third trip to the state's Elite Eight; and

WHEREAS, throughout the season, the Olympia High School wrestling team demonstrated a dedication to wrestling and a commitment to their team; and

WHEREAS, Manahan's Olympia High School's wrestling team captured third place in the 1999 Class A State Tournament;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 16, 1999, as *OLYMPIA HIGH SCHOOL WRESTLING TEAM DAY* in Illinois.

Issued by the Governor March 11, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-75

##### PROBATION AND COURT SERVICES OFFICER DAY

WHEREAS, the safety of Illinois citizens and the rights of crime victims require a competent and thorough administration criminal justice system; and

WHEREAS, Illinois law requires that all counties must provide full-time probation and court services to provide a continuum of sanctions to increase sentencing options; and

WHEREAS, the continuum of sanctions provided by Illinois probation and court services departments include pre-trial supervision, intensive supervision, home confinement, detention, electronic monitoring, community service, teen drug courts, drug monitoring, pre-sentencing investigations and victim services like dispute resolution and collection of restitution, among many other services; and

WHEREAS, probation and court service professionals work in collaboration with circuit court and community organizations to provide programs, services and supervision to both juvenile and adult offenders; and

WHEREAS, approximately 100,000 juvenile and adult offenders are currently sentenced to a continuum of sanctions, receive active probation supervision or participate in court ordered programs; and

WHEREAS, 2,200 dedicated probation and court services officers supervise Illinois' juvenile and adult offenders; and

WHEREAS, the professional organization representing them, the Illinois

Probation and Court Services Association, is celebrating its 30th Anniversary of representing probation and court service professionals and seeks to improve the administration of criminal justice in Illinois;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 14, 1999, as *PROBATION AND COURT SERVICES OFFICER DAY* in Illinois.

Issued by the Governor March 11, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-76

##### THE YEAR OF OLDER PERSONS

WHEREAS, Illinois is proud to join the nation in honoring our older citizens and to recognize their continued contributions and wisdom gained through life's experiences; and

WHEREAS, the United Nations has designated the year 1999 as the "International Year of Older Persons 1999" with the theme "towards a society for all ages"; and

WHEREAS, older individuals are entitled to aspire to and attain the highest possible level of health and recognizing that with increasing age some individuals will need comprehensive community and family care; and

WHEREAS, we must ensure that the increase in life expectancy is matched by increased opportunities for older persons to find fulfillment; and

WHEREAS, the Illinois Department on Aging provides funding for community-based agencies which provide a broad range of programs and services to independent, semi-dependent and dependent elderly citizens to improve their quality of life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim 1999 as *THE YEAR OF OLDER PERSONS* in Illinois and pay a special tribute to our older population, their families, neighbors and friends.

Issued by the Governor March 11, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-77

##### NORWEGIAN NATIONAL LEAGUE DAY

WHEREAS, the Norwegian National League has operated continuously since 1899 as a financially independent, unsubsidized coordinating council for all Norwegian cultural, athletic, and fraternal organizations in the Chicago Metropolitan area; and

WHEREAS, the Norwegian National League sponsors 17th of May Constitution Celebrations, Leaf Ericson Events, Christmas Around the World (Museum of Science and Industry), Sears Tower exhibits, and numerous cultural programs and exhibits in the State of Illinois; and

WHEREAS, Lynn Sove Maxon, President of the Norwegian National League, announces: "For our 100th year we are dedicating the "Year of the Child" as the beginning of our next 100 years. The plan is to have 100 events and programs. We are also offering scholarships to children of Norwegian descent. There will be an exhibit of Norwegian books for children at the Niles Library in October"; and

WHEREAS, the Norwegian National League will sponsor the annual Syttende Mai parade in honoring the signing of the Norwegian Constitution in Eidsval, Norway, on May 17, 1814; and

WHEREAS, the Governor's Office of Ethnic Affairs will sponsor a Norwegian cultural and historic exhibit, May 10th - May 14th, in the James R. Thompson Center; and

WHEREAS, the parade Grand Marshal, Per Bye Ohrstrom, retired Consul General, is being honored for his many years of dedicated service to the Chicago area Norwegian-American community; and

WHEREAS, the honorary Grand Marshal is Tore Li, Science Consul from the Royal Norwegian Embassy, Washington, D.C.; and

WHEREAS, the Norwegian National League's annual banquet is May 15, 1999, at the Scandinavian Club in Arlington Heights, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 17, 1999, as "NORWEGIAN NATIONAL LEAGUE DAY" in Illinois.

Issued by the Governor March 12, 1999.

Filed by the Secretary of State March 22, 1999.

99-78

#### DAY OF PRAYER

WHEREAS, prayer has aided us when support and guidance is needed; and

WHEREAS, the history of our country has been shaped by leaders who voluntarily called upon a higher power whether the need be great or small; and

WHEREAS, the citizenry of Illinois is a diverse people, with nearly every nation and a variety of religious traditions represented; and

WHEREAS, it is fitting that we should give thanks to the freedom and prosperity which our nation and state enjoys; and

WHEREAS, the State of Illinois and the United States of America can and will benefit from prayer;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 6, 1999, as a DAY OF PRAYER in Illinois and encourage the return of strong moral character in the lives of the people of Illinois and throughout the world.

Issued by the Governor March 15, 1999.

Filed by the Secretary of State March 22, 1999.

99-79

#### FOSTER PARENT APPRECIATION MONTH

WHEREAS, "foster" is defined as "to nourish, cherish and encourage"; and WHEREAS, foster parents provide a nurturing and caring home for children whose natural parents can no longer provide them with care; and

WHEREAS, foster parents meet a special need in our society by ensuring that children receive attention, respect, love, understanding, compassion, health care and educational services; and

WHEREAS, thousands of caring adults in Illinois have opened their hearts as well as their homes to provide a loving and stable environment for more than 40,000 children; and

WHEREAS, the contributions of Illinois foster parents to the welfare of these children are incalculable and irreplaceable; and

WHEREAS, Illinois foster parents deserve our gratitude and respect for the work they do every day to ensure that our children receive the support they need at a traumatic time in their lives;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim May

1999 as FOSTER PARENT APPRECIATION MONTH in Illinois.

Issued by the Governor March 15, 1999.

Filed by the Secretary of State March 22, 1999.

99-80

#### MOTORCYCLE AWARENESS MONTH

WHEREAS, Illinois is a national leader in motorcycle education; and

WHEREAS, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training Program since 1976; and

WHEREAS, the program is supported by state motorcycle registration fees and has been responsible for training more than 144,000 cyclists; and

WHEREAS, there is a need to enhance public awareness of the increased presence of motorcyclists on our roadways;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim May 1999 as MOTORCYCLE AWARENESS MONTH in Illinois.

Issued by the Governor March 15, 1999.

Filed by the Secretary of State March 22, 1999.

99-81

#### POLISH WOMEN'S CLUB, INC. DAY

WHEREAS, the Polish Women's Civic Club, Inc. has been assisting those in need in both Poland and Chicagoland; and

WHEREAS, for the past 75 years the Polish Women's Civic Club has remained focused upon its object of philanthropy; and

WHEREAS, nearly \$10,000 in scholarships a year are awarded to qualified students for college or professional schools by the organization; and

WHEREAS, the Polish Women's Civic Club continues to assist children, the aged and the sick just as they did during the Great Depression; and

WHEREAS, the Polish Women's Civic Club helps to preserve and foster the culture and traditions of Poland in Illinois; and

WHEREAS, the 75th anniversary of this organization will be celebrated at the Starlight Inn in Schiller Park, Illinois, at noon on April 18, 1999, and presided over by President Felicia Krupinski;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 18, 1999, as POLISH WOMEN'S CLUB, INC. DAY in Illinois.

Issued by the Governor March 15, 1999.

Filed by the Secretary of State March 22, 1999.

99-82

#### PROFESSIONAL SECRETARIES WEEK

WHEREAS, the professionalism and leadership of the professional secretary contributes to Illinois' strong economic climate; and

WHEREAS, professional secretaries in business, education, and government increase productivity; and

WHEREAS, professional secretaries in business, education, and government play an essential part in the day-to-day operation of the workplace;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 18-21, 1999, as PROFESSIONAL SECRETARIES WEEK in Illinois.

Issued by the Governor March 15, 1999.



Filed by the Secretary of State March 22, 1999.

#### 99-83

##### YOUTH ART MONTH

WHEREAS, art education contributes educational benefits to all elementary and secondary students; and

WHEREAS, art education develops students' creative problem-solving and critical thinking abilities; and

WHEREAS, art education teaches sensitivity to beauty, order and other expressive qualities; and

WHEREAS, art education provides students with a deeper understanding of multi-cultural values and beliefs; and

WHEREAS, art education reinforces and brings to life what students learn in other subjects; and

WHEREAS, art education interrelates student learning in art production, art history, art criticism and aesthetics;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1999 as **YOUTH ART MONTH** in Illinois and encourage the support of quality school art programs for children and youth.

Issued by the Governor March 15, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-84

##### COOK COUNTY JUVENILE COURT DAY

WHEREAS, the Cook County Juvenile Court was the first juvenile court in the nation to be established by statute; and

WHEREAS, the Cook County Juvenile Court was created by the Illinois Legislature in 1899 at the urging of Chicago women such as Jane Addams, Lucy Flower and other dedicated individuals; and

WHEREAS, the Cook County Juvenile Court is celebrating its 100th anniversary; and

WHEREAS, the first Juvenile Court was created in Cook County to protect dependent and neglected children and to provide dispositional alternatives for delinquent children; and

WHEREAS, for a century the Juvenile Court in Cook County has intervened in the lives of our most vulnerable citizens to ensure them a life of liberty and happiness; and

WHEREAS, the State of Illinois recognizes that Illinois' future depends upon each child's quality of life; and

WHEREAS, the Juvenile Court of Cook County is recognized as one of the finest in the nation; and

WHEREAS, the State of Illinois, through the Illinois Department of Children and Family Services, recognizes its responsibility to provide safe and permanent homes for abused, neglected or dependent children; and

WHEREAS, the State of Illinois is committed to providing preventive services to all Illinois children as we enter the new millennium;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 16, 1999, as **COOK COUNTY JUVENILE COURT DAY** in Illinois and recognize their dedication to the children of Illinois.

Issued by the Governor March 16, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-85

##### DAYS OF REMEMBRANCE

WHEREAS, the Holocaust was a systematic persecution and annihilation of innocent civilians by Nazi Germany and its collaborators between 1933 and 1945; and

WHEREAS, European Jews were the primary victims of the Holocaust, but Poles, Gypsies, the handicapped, homosexuals, Jehovah's Witnesses, Soviet prisoners of war and political dissidents also were targeted for destruction or decimation for racial, ethnic or political reasons and suffered grievous oppression and death under Nazi rule; and

WHEREAS, the story of the ill-fated voyage of the SS St. Louis offers an opportunity to reflect on the moral responsibilities of individuals, society and government; and

WHEREAS, the people of Illinois should remember the terrible events of the Holocaust and should remain vigilant against bigotry and tyranny; and

WHEREAS, we should rededicate ourselves to the principles of equality and justice; and

WHEREAS, the Days of Remembrance have been set aside for the people of the State of Illinois to remember the inhumanity of those who perpetrated the Holocaust as well as to reflect upon our own humanity and the need to respect all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the victims of the Holocaust to be Sunday, April 11 through Sunday, April 18, 1999, and designates the International Day of Remembrance, known as Yom Hashoah, to be April 13;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 11-18, 1999, as **DAYS OF REMEMBRANCE** in Illinois in memory of the victims, the survivors and the liberators of the Holocaust and urge the citizens of Illinois to strive to overcome intolerance and indifference through learning and remembrance.

Issued by the Governor March 16, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-86

##### LICENSED PRACTICAL NURSE WEEK

WHEREAS, the maintenance of good health care is of primary concern to everyone; and

WHEREAS, the role of the licensed practical nurse in caring for people's health needs has advanced in responsibility and complexity; and

WHEREAS, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members; and

WHEREAS, the Licensed Practical Nurse Association of Illinois is holding its annual convention April 18-24, 1999, in Champaign, Illinois, at the Clarion Hotel and Convention Center. This year's theme is "50 Years of Progress, Dedication and Service 1949-1999;"

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 18-24, 1999, as **LICENSED PRACTICAL NURSE WEEK** in Illinois in recognition



of these dedicated men and women.

Issued by the Governor March 16, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-87

##### MUSIC EDUCATION DAY

WHEREAS, music in the schools of Illinois is designed to bring about recognition of the vital place of music in the educational process; and  
WHEREAS, music is a powerful and aesthetic force that gives our young people a sense of civilization because it dignifies the realm of feeling by merging intellect and emotion in the search for a humane way of life; and

WHEREAS, music is a basic influence in the lives of millions of people who participate in performing, listening and observing experiences developed through music in schools; and

WHEREAS, Music Education Day at our Capitol is a special opportunity for citizens to understand and support the ongoing process of music education; and

WHEREAS, it is fitting for the State of Illinois to recognize music in our schools as an essential part of the learning process and to encourage and support this basic art form in the curriculum of the schools of Illinois;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 18, 1999, as *MUSIC EDUCATION DAY* in Illinois.

Issued by the Governor March 16, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-88

##### SEED MONTH

WHEREAS, the abundance of Illinois crops relies on fertile soil, diligent farmers and high-quality seeds; and

WHEREAS, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians and concerned dealers; and

WHEREAS, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels and cooperates with the Illinois Crop Improvement Association, the state's official seed-certifying agency and independent, nonprofit organization; and

WHEREAS, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed and has developed an effective seed program advocating pertinent legislation;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 1999 as *SEED MONTH* in Illinois in appreciation of the seed industry's contributions to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor March 16, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-89

##### STOP THE VIOLENCE MONTH

and WHEREAS, every year thousands of citizens are victims of violent crime; WHEREAS, citizens should continue to work together to halt the spread of violence across our country; and

WHEREAS, those who strive to make their neighborhoods safer should be commended for their efforts; and

WHEREAS, the mission of the National Stop the Violence Alliance, Inc. is organized to provide social, health, job training, educational and employment services and opportunity for our youth, elderly and the employable. To introduce ethnic diversity, the arts, law, crisis intervention counseling and spiritual growth. To enhance the lives of all people and promote peace, unity and harmony in our schools, churches, synagogues, neighborhoods and cities. To provide positive role models for our youth and end youth violence, drugs, dropouts, teen pregnancy, gang activities. To show alternative solutions to problems and produce programs. Last, to place a smile on all faces; and

WHEREAS, efforts to educate on the fundamental causes of violence and solutions to curb violence will be emphasized during the month of April;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 1999 as *STOP THE VIOLENCE MONTH* in Illinois.

Issued by the Governor March 16, 1999.

Filed by the Secretary of State March 22, 1999.

#### 99-90

##### VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY DAY

WHEREAS, the needs of children and families in the nation and in Illinois challenge communities as much now as in any time in the past; and

WHEREAS, the services provided by the voluntary, not-for-profit child welfare agencies in communities throughout the state are the cornerstone of the Illinois response to the needs of the abused, neglected and troubled children, youth and families; and

WHEREAS, those agencies provide a full range of services to assist families both in their own homes and in communities through family preservation programs, homemaker services, individual and family counseling, special education services, youth service program and day care; and

WHEREAS, those agencies assure that children have a safe, permanent living situation through foster care, adoption, relative home care, residential and group home care and other intervention and treatment programs; and

WHEREAS, the State of Illinois recognizes and highly values the importance of a strong public and voluntary sector partnership for serving children and families

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 15, 1999, as *VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY DAY* in Illinois and on behalf of the citizens of Illinois congratulate and express appreciation to those agencies, their staffs and their volunteers for their dedicated service to the at-risk children and families of Illinois.

Issued by the Governor March 16, 1999.

Filed by the Secretary of State March 22, 1999.

Rules acted upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jntale@ccgate.sos.state.il.us](mailto:jntale@ccgate.sos.state.il.us) (Internet address).

**PROPOSED**

2-1027-16	35-307-3	89-360-4	35-106-9	77-340-4
2-1076-10	35-309-13	89-402-7	35-304-3	77-350-4
2-3000-6	35-651-15	89-508-16	35-307-16	77-370-4
2-3001-6	35-652-15	89-527-16	35-611-10	77-390-4
2-3002-6	35-807-7	89-590-5	35-703-6	77-675-15
8-20-12	35-808-1	89-676-1	35-720-6	77-680R-15
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8-70-12	44-600-12	92-445-14	35-728-6	77-1100-11
8-75-12	44-635-44		35-738-6	77-1130-11
8-80-12	44-655-13	<b>ADOPTED</b>	35-739-6	77-2200-6
8-85-12	44-675-13	2-1026R-16	35-741-2	80-310-3
8-110-12	44-685-13	2-1176R-16	35-811-10	80-1540-13
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8-610-12	44-1600-16	2-1276R-16	41-200-15	83-415-5
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17-130-15	56-2665-4	4-500-14	44-1120-4	80-2700-2
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17-705-14	59-119-16	8-40-2	47-360-13	89-112-2,4
17-810-14	59-132-16	8-55-2	47-371-14	89-113-2
17-905-14	59-258-16	8-75-2	50-201-13	89-121-7
17-2030-12	68-1175-6	8-80-2	50-301-13	89-143-15
17-2520-12	68-1320-1	8-85-2	50-2008-13	89-160-6
17-3025-14	68-1360-16	8-100-2	50-2500-1	89-240-7
20-117-16	77-210-16	8-105-2	50-2505-1	89-305R-16
23-25-7	77-672-16	8-110-2	50-2510-1	89-315-7
23-140-11	77-820-5	8-115-2	50-2515-1	89-316-7
23-260-6	77-900-14	8-125-2	50-2520-1	89-515-14
23-575-11	77-1130-13	8-1400-11	50-2525-1	89-553-5
23-1501-1	77-2000R-16	11-100-13	56-350-14	89-563-5
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CC - Codification Changes	PR - Proposed Repealer
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M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
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	*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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TYPE OF RULE MAKING

am = amend to existing Section  
n = New Section  
r = repeal of existing Section  
re = recodified  
# = renumbered

ACTION CODE

P = Proposed Rule  
A = Adopted Rule  
PF = Prohibited Filing  
E = Emergency  
S = Suspension  
O = ICAR Objection  
PP = Peremptory  
F = Failure to Remedy Objections  
M = Modification  
W = Withdrawal  
RC = Recommendations  
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100.50 am (P-19181/98; A-3787)  
100.70 am (P-19181/98; A-3787)  
100.90 am (P-19181/98; A-3787)

## Title 11 (cont'd)

100.100	am	(P-19181/98; A-3787)
100.110	am	(P-19181/98; A-3787)
100.150	am	(P-19181/98; A-3787)
100.160	am	(P-19181/98; A-3787)
100.170	am	(P-19181/98; A-3787)
100.180	am	(P-19181/98; A-3787)
100.210	am	(P-19181/98; A-3787)
100.240	r	(P-19181/98; A-3787)
100.250	am	(P-19181/98; A-3787)
100.270	am	(P-19181/98; A-3787)
100.280	am	(P-19181/98; A-3787)
100.290	am	(P-19181/98; A-3787)
100.320	am	(P-19181/98; A-3787)
100.350	am	(P-19181/98; A-3787)
100.360	am	(P-19181/98; A-3787)
100.390	n	(P-19181/98; A-3787)

## TITLE 14

140.50	r	(P-13621/98; A-3059)
140.51	am	(P-13621/98; A-3059)
140.200	am	(P-13621/98; A-3059)
140.300	am	(P-13621/98; A-3059)
140.304	r	(P-13621/98; A-3059)
140.750	am	(P-13621/98; A-3059)
140.800	r	(P-13621/98; A-3059)
140.802	r	(P-13621/98; A-3059)
140.803	am	(P-13621/98; A-3059)
140.804	r	(P-13621/98; A-3059)
140.805	r	(P-13621/98; A-3059)
140.806	r	(P-13621/98; A-3059)
140.807	r	(P-13621/98; A-3059)
140.808	r	(P-13621/98; A-3059)
140.810	n	(P-13621/98; A-3059)
140.1150	n	(P-13621/98; A-3059)
140.1152	n	(P-13621/98; A-3059)
140.2110	am	(P-13621/98; A-3059)
140.2130	am	(P-13621/98; A-3059)

## TITLE 17

130.40	am	(P-4166)
130.70	am	(P-4166)
130.80	am	(P-4166)
130.90	am	(P-4166)
130.135	am	(P-4166)
525.10	am	(P-15158/98; A-3406)
525.20	am	(P-15158/98; A-3406)
525.30	am	(P-15158/98; A-3406)
525.40	am	(P-15158/98; A-3406)
525.Ex.A	am	(P-15158/98; A-3406)
590.10	am	(E-3092)
590.80	am	(E-3092)

## Title 23 (cont'd)

670.10	am	(P-833)
670.20	am	(P-833)
670.21	am	(P-833)
670.40	am	(P-833)
670.60	am	(P-833)
750.10	am	(P-3899)
750.20	am	(P-3899)
810.37	am	(P-20443/98; A-3434)
810.45	am	(P-20443/98; A-3434)
810.70	am	(P-20443/98; A-3434)
810.90	am	(P-20443/98; A-3434)
950.40	am	(P-3904)
950.50	r	(P-3904)
1515.10	n	(P-17436/98; A-3396)
1515.20	n	(P-17436/98; A-3396)
1515.30	n	(P-17436/98; A-3396)
1515.40	n	(P-17436/98; A-3396)
1515.50	n	(P-17436/98; A-3396)
1515.60	n	(P-17436/98; A-3396)
1515.Ex.A	n	(P-17436/98; A-3396)
2030.20	am	(P-3299)
2030.50	am	(P-3299)
2520.60	am	(P-3242)
3025.30	am	(P-3910)
3025.50	am	(P-3910)
3025.70	am	(P-3910)
3045.10	n	(P-17291/98; A-314)
3045.20	n	(P-17291/98; A-314)
3045.30	n	(P-17291/98; A-314)
3045.40	n	(P-17291/98; A-314)
3045.50	n	(P-17291/98; A-314)
3045.60	n	(P-17291/98; A-314)
3045.70	n	(P-17291/98; A-314)
3045.80	n	(P-17291/98; A-314)
3045.90	n	(P-17291/98; A-314)

## TITLE 23

25.11	n	(P-17159/98; A-2843)
25.15	n	(P-17159/98; A-2843)
25.99	n	(P-17159/98; A-2843)
25.110	r	(P-2440)
25.115	n	(P-2440)
25.120	r	(P-2440)
25.125	n	(P-2440)
25.130	r	(P-2440)
25.135	n	(P-2440)
25.137	n	(P-2440)
25.140	r	(P-2440)
25.145	n	(P-2440)
25.150	r	(P-2440)
25.155	n	(P-2440)
25.160	n	(P-2440)

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2770.50	am	(P-1533)
2770.55	am	(P-1533)
2770.60	am	(P-1533)
2770.70	am	(P-1533)
2770.80	am	(P-1533)
2771.Ap.A	am	(P-1538)
2775.10	n	(P-16444/98; A-2591)
2775.20	n	(P-16444/98; A-2591)
2775.30	n	(P-16444/98; A-2591)
2775.40	n	(P-16444/98; A-2591)
2775.50	n	(P-16444/98; A-2591)
2775.60	n	(P-16444/98; A-2591)
2775.70	n	(P-16444/98; A-2591)
2790.20	am	(P-1577)
2790.70	am	(P-1577)
3040.130	am	(P-16972/98; A-2574)
3040.140	am	(P-16972/98; A-2574)
3040.150	am	(P-16972/98; A-2574)
3040.160	am	(P-16972/98; A-2574)
3040.170	am	(P-16972/98; A-2574)
3040.200	am	(P-16972/98; A-2574)
3040.210	am	(P-16972/98; A-2574)
3040.220	am	(P-16972/98; A-2574)
3040.230	am	(P-16972/98; A-2574)
3040.240	am	(P-16972/98; A-2574)
3040.400	n	(P-17311/98; A-2402)
3040.450	n	(P-17311/98; A-2402)
3040.470	n	(P-3931) (E-4115)

## TITLE 26

100.10	am	(P-623) (E-719)
100.120	am	(P-623) (E-719)
100.130	n	(P-623) (E-719)
100.140	n	(P-623) (E-719)
100.150	n	(P-623) (E-719)
100.160	n	(P-623) (E-719)
100.170	n	(P-623) (E-719)
125.425	am	(P-829) (E-1122)
201.60	n	(P-7858/98; PF-2820)
202.60	n	(P-7862/98; PF-2821)
204.40	am	(P-7853/98; A-3943)
204.120	am	(P-7853/98; A-3943)
216.40	am	(P-7866/98; A-3948)

## TITLE 32

331.30	am	(P-1226)
331.110	am	(P-1226)
331.115	am	(P-1226)
331.120	am	(P-1226)
331.125	am	(P-1226)
331.200	am	(P-1226)
331.Ap.E	am	(P-1226)

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Title 77 (cont'd)	310 Ap.G	(P-16397/98; A-664)	757 Ex.C	am	(P-4128)
1130.130 am	1540.320 am	(P-19525/98; A-3824)	<b>TITLE 86</b>	100.2470 am	(P-19509/98; A-3808)
1130.140 am	1540.Tb.A	(P-19525/98; A-3824)	450.160 n	A-20071/98; F-347)	(P-10951/98; A-1597)
	1650.410 am	(P-20808/98; A-3079)	451.10 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.210 am	2700.110 am	(E-566) (P-378)	451.20 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.220 am	2700.310 am	(E-566) (P-378)	451.30 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.310 am	2700.600 am	(E-566) (P-378)	451.40 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.410 am	2700.610 am	(E-566) (P-378)	451.100 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.510 am	2700.660 am	(E-566) (P-378)	451.110 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.520 am	2700.730 am	(E-566) (P-378)	451.120 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.540 am	2700.740 am	(E-566) (P-378)	451.130 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.541 n	2700.750 am	(E-566) (P-378)	451.140 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.560 am	2700.800 am	(E-566) (P-378)	451.150 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.570 am	2700.820 am	(E-566) (P-378)	451.160 n	(P-1) (P-1180)	(P-10951/98; A-1597)
1130.610 am			451.200 n	(P-1180)	(E-3521)
1130.620 am			451.210 n	(P-1180)	(E-3521)
1130.640 am			451.220 n	(P-1180)	(E-3521)
1130.650 am			451.230 n	(P-1180)	(E-3521)
1130.660 am			451.240 n	(P-1180)	(E-3521)
1130.670 am			451.250 n	(P-1180)	(E-3521)
1130.680 am			451.260 n	(P-1180)	(E-3521)
1130.710 am			451.270 n	(P-1180)	(E-3521)
1130.720 am			451.300 n	(P-1180)	(E-3521)
1130.730 am			451.310 n	(P-1180)	(E-3521)
1130.740 am			451.320 n	(P-1180)	(E-3521)
1130.750 am			451.330 n	(P-1180)	(E-3521)
1130.Ap.A			451.340 n	(P-1180)	(E-3521)
2030.620 r			451.350 n	(P-1180)	(E-3521)
2030.810 am			451.360 n	(P-1180)	(E-3521)
2060.217 am			451.370 n	(P-1180)	(E-3521)
2200.10 n			451.400 n	(P-1180)	(E-3521)
2200.20 n			451.410 n	(P-1180)	(E-3521)
2200.30 n			451.420 n	(P-1180)	(E-3521)
2200.40 n			451.430 n	(P-1180)	(E-3521)
2200.50 n			451.440 n	(P-1180)	(E-3521)
2200.60 n			451.450 n	(P-1180)	(E-3521)
2200.70 n			505.10 am	(P-16095/98; A-1350)	(E-3521)
2200.80 n			505.20 r	(P-16095/98; A-1350)	(E-3521)
2200.90 n			590.10 am	(P-4125)	(E-3521)
2200.100 n			745.10 am	(P-10951/98; A-1597)	(E-3521)
2200.110 n			745.15 am	(P-10951/98; A-1597)	(E-3521)
2200.120 n			745.40 n	(P-10951/98; A-1597)	(E-3521)
2200.130 n			745.200 am	(P-10951/98; A-1597)	(E-3521)
2200.140 n			745.210 r	(P-10951/98; A-1597)	(E-3521)
2200.150 n			745.220 r	(P-10951/98; A-1597)	(E-3521)
<b>TITLE 80</b>			745.225 r	(P-10951/98; A-1597)	(E-3521)
310.230 am			745.Ex.A	(P-10951/98; A-1597)	(E-3521)
310.270 am			745.Ex.B	(P-10951/98; A-1597)	(E-3521)
310.280 am			757.Ex.A	(P-4128)	(E-3521)
310.Ap.A			757.Ex.B	(P-4128)	(E-3521)
Tb. H			757 Ex.B	am	(P-4128)

Title 89 (cont'd)			Title 89 (cont'd)		
121.92	am	(P-19984/98; A-3374)	240.1560	am	(P-9623/98; A-2496)
121.105	r	(P-19677/98; A-3374)	240.1565	am	(P-9623/98; A-2496)
121.107	n	(P-2477/98; A-2601)	240.1580	am	(P-9623/98; A-2496)
121.145	n	(P-19984/98; A-3374)	240.1605	am	(P-9623/98; A-2496)
125.100	n	(P-15511/98; A-543)	315.10	n	(P-7770/98; A-2539)
125.110	n	(P-15511/98; A-543)	315.20	n	(P-7770/98; A-2539)
125.200	n	(P-15511/98; A-543)	315.30	n	(P-7770/98; A-2539)
125.205	n	(P-15511/98; A-543)	315.40	n	(P-7770/98; A-2539)
125.220	n	(P-15511/98; A-543)	315.45	n	(P-7770/98; A-2539)
125.230	n	(P-15511/98; A-543)	315.50	n	(P-7770/98; A-2539)
125.240	n	(P-15511/98; A-543)	315.60	n	(P-7770/98; A-2539)
125.245	n	(P-15511/98; A-543)	315.70	n	(P-7770/98; A-2539)
125.250	n	(P-15511/98; A-543)	315.80	n	(P-7770/98; A-2539)
125.260	n	(P-15511/98; A-543)	315.100	n	(P-7770/98; A-2539)
125.300	n	(P-15511/98; A-543)	315.110	n	(P-7770/98; A-2539)
125.305	n	(P-15511/98; A-543)	315.120	n	(P-7770/98; A-2539)
125.310	n	(P-15511/98; A-543)	315.130	n	(P-7770/98; A-2539)
125.320	n	(P-15511/98; A-543)	315.140	n	(P-7770/98; A-2539)
125.330	n	(P-15511/98; A-543)	315.150	n	(P-7770/98; A-2539)
125.340	n	(P-15511/98; A-543)	315.160	n	(P-7770/98; A-2539)
125.400	n	(P-15511/98; A-543)	315.200	n	(P-7770/98; A-2539)
125.420	n	(P-15511/98; A-543)	315.210	n	(P-7770/98; A-2539)
125.440	n	(P-15511/98; A-543)	315.215	n	(P-7770/98; A-2539)
140.461	am	(P-128)	315.220	n	(P-7770/98; A-2539)
140.462	am	(P-128)	315.225	n	(P-7770/98; A-2539)
140.463	am	(P-4203)	315.230	n	(P-7770/98; A-2539)
140.466	am	(P-4203)	315.235	n	(P-7770/98; A-2539)
143.100	n	(P-4201) (E-4292)	315.240	n	(P-7770/98; A-2539)
143.200	n	(P-4201) (E-4292)	315.245	n	(P-7770/98; A-2539)
143.300	n	(P-4201) (E-4292)	315.250	n	(P-7770/98; A-2539)
143.400	n	(P-4201) (E-4292)	315.300	n	(P-7770/98; A-2539)
143.500	n	(P-4201) (E-4292)	315.305	n	(P-7770/98; A-2539)
144.100	am	(P-14039/98; A-932)	315.310	n	(P-7770/98; A-2539)
148.140	am	(P-4176)	316.10	n	(P-8597/98; A-2528)
148.295	am	(P-4176)	316.10	n	(P-8597/98; A-2528)
148.297	am	(P-847)	316.20	n	(P-8597/98; A-2528)
160.10	am	(P-16966/98; A-2313)	316.30	n	(P-8597/98; A-2528)
160.20	am	(P-16966/98; A-2313)	316.40	n	(P-8597/98; A-2528)
160.60	am	(P-16966/98; A-2313)	316.50	n	(P-8597/98; A-2528)
160.61	am	(P-16966/98; A-2313)	316.60	n	(P-8597/98; A-2528)
160.65	am	(P-16966/98; A-2313)	316.70	n	(P-8597/98; A-2528)
160.70	am	(P-16966/98; A-2313)	316.80	n	(P-8597/98; A-2528)
160.75	am	(P-16966/98; A-2313)	316.90	n	(P-8597/98; A-2528)
160.88	n	(P-16966/98; A-2313)	316.100	n	(P-8597/98; A-2528)
160.110	am	(P-16966/98; A-2313)	316.110	n	(P-8597/98; A-2528)
160.130	am	(P-16966/98; A-2313)	316.120	n	(P-8597/98; A-2528)
240.230	am	(P-9623/98; A-2496)	316.130	n	(P-8597/98; A-2528)
240.1510	am	(P-9623/98; A-2496)	316.140	n	(P-8597/98; A-2528)
240.1520	am	(P-9623/98; A-2496)	360.3	am	(P-1094/98; A-854)
240.1550	am	(P-9623/98; A-2496)	402.8	am	(P-2435)
240.1555	am	(P-9623/98; A-2496)	431.30	am	(P-7759/98; A-677)

## TITLE 92

(P-5833/98; A-19354/98; RQ-4300)  
 440.420 am  
 445.4p.B am (P-3933)

Title 92 (cont'd)	
554.310 am	(P-15555/98; A-706)
554.407 am	(P-15555/98; A-706)
554.409 am	(P-15555/98; A-706)
554.422 am	(P-15555/98; A-706)
554.509 am	(P-15555/98; A-706)
554.518 am	(P-15555/98; A-706)
554.803 am	(P-15555/98; A-706)
1001.710 am	(P-16989/98; A-692)
1001.730 am	(P-16989/98; A-692)
1001.750 am	(P-16989/98; A-692)
1001.760 am	(P-16989/98; A-692)
1001.770 am	(P-16989/98; A-692)
1001.780 am	(P-16989/98; A-692)
1001.785 am	(P-16989/98; A-692)
1001.790 am	(P-16989/98; A-692)



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